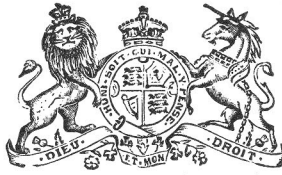


CANADA



THE MILITARY SERVICE ACT, 1917

MANUAL

FOR THE INFORMATION AND GUIDANCE OF TRIBUNALS
IN THE CONSIDERATION AND REVIEW OF
CLAIMS FOR EXEMPTION.

ISSUED BY THE MILITARY SERVICE COUNCIL BY THE AUTHORITY OF
THE HONOURABLE C. J. DOHERTY,
MINISTER OF JUSTICE.

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NOTE:—Substantial alterations of or additions to the Memorandum for the Guidance of Tribunals dated 10th November, 1917, and of or to the main body of the Military Service Regulations published therewith, are indicated by a vertical line against the altered or added matter or Regulations. The references at the end of the paragraphs of the Regulations as now printed indicate where the earlier provision on the same subject, if any, is to be found. A number of paragraphs of both the Regulations and the Instructions have been omitted on the present revision. Their absence is not indicated.

MILITARY SERVICE ACT, 1917.

MEMORANDUM FOR THE GUIDANCE OF TRIBUNALS IN CONSIDERING AND REVIEWING EXEMPTIONS.

N.B.—This memorandum does not cover all the matters dealt with by the Act and Regulations. These latter, as well as the memorandum, members of Tribunals should read carefully.

GENERAL.

1. The purpose of the *Military Service Act, 1917*, is to provide the essential reinforcements for the Canadian Expeditionary Force. To do this co-operation is necessary between the exemption tribunals constituted by Parliament, the military authorities and the administrative machinery under the direction of the Military Service Council acting through the Registrars and Deputy Registrars appointed for the purpose. Organization.

2. Military medical boards must be given an opportunity of refusing to make use of an individual by reason of his physical condition not being such as to make him useful according to military standards.

3. The function of the tribunals is to balance judicially and impartially the necessities of the individual against those of the State, and the civil against the military requirements of the nation.

4. The duties of the Registrars and Deputy Registrars are those of recording, indexing, and notifying the men affected by the Act so as to give effect to the conclusions arrived at by the tribunals and the medical boards. They are also charged with the duty of obtaining the equal application of the principles governing the disposition of claims for exemption by causing appeals to be entered when it appears that any tribunal has come to a conclusion the validity of which is doubtful, whether such conclusion is in favour of or adverse to exemption being granted, and with the obtaining of such information as will assist tribunals to perform their functions intelligently and with despatch.

Tribunals.

5. Tribunals are of three kinds. There are Local Tribunals, Appeal Tribunals and a Central Appeal Judge. Local Tribunals consist each of two members, one appointed by the County or District Judge and the other by a Selection Committee appointed by Parliament. They are about 1,300 in number. Each Appeal Tribunal consists of a judge of one of the Provincial Courts selected by the Chief Justice of the Court of Last Resort in that Province. Of these Appeal Tribunals there are a number in each Province sufficient to deal with the work which they will be called upon to do. The Honourable Mr. Justice Duff, one of the judges of the Supreme Court of Canada is the Central Appeal Judge.

Military
Medical
Boards.

6. Military medical boards are established under the direction of the District Officers Commanding the military districts in which they act and sit at such places and times as may be directed by these officers. There is also in each military district a Medical Board of Review to which must be referred any case in which it is claimed that the decision of the ordinary medical board is erroneous. The finding of the Medical Board of Review is binding upon every local or appeal tribunal in so far as the medical fitness of the man is concerned and is subject to question only on appeal to the Central Appeal Judge.

Registrars.

7. To deal with nearly four hundred thousand claims within any reasonable time involves very onerous recording duties. These are provided for by the erection of administrative machinery under Registrars and Deputy Registrars. For the purpose of making it possible for this administrative machinery to work in co-operation with the military organization, provision has been made for the appointment of a Registrar or Deputy Registrar for each military district. Appendix 1 contains a description of the districts of the various Registrars and Deputies, and the names and headquarters of the latter. Tribunals will communicate with the Registrar or Deputy Registrar of the district in which they sit.

PREMISES.

Premises.

8. Premises will be secured if possible, in municipal, school or other public buildings, which municipalities have been asked to place at the disposal of tribunals. If premises of this character are not available, tribunals will seek to arrange for accommodation without expense to the public. If this is impossible tribunals will communicate with the Registrar or Deputy Registrar of the district in which their

sittings are to be held and will secure his approval and proposed arrangement for the temporary hiring of the accommodation necessary.

STATIONERY SUPPLIES.

9. Everything which will be required by tribunals, except such things as pens, ink and small quantities of blank paper for memoranda of oral evidence, will be furnished to tribunals as indicated in Appendix 2. If any tribunal requires supplies involving any appreciable expense the Registrar of the district will be communicated with and he will be asked to furnish what is necessary.

Supplies and forms.

10. All mail addressed to any Registrar or Deputy Registrar will be transmitted free, whether registered or not.

Postage.

PROCEDURE.

11. The important change in the law which has been made since the issue of the Memorandum for the Guidance of Tribunals dated the 10th November last is the transfer to the Registrar of the functions of the military representative. This makes it possible to effect useful changes in procedure. The information with regard to individual cases is no longer collected and recorded by two different departments of Government acting independently but is concentrated in the office of the Registrar who is now charged with the duty of taking steps to correct by appeal or by review any conclusion which appears to him to be open to correction. The subsidiary change in the law permitting Registrars to submit questions makes possible the collection of all relevant information in advance of the submission of the claim to a tribunal and thus renders it unnecessary to require the attendance before the tribunal of any representative of the public or of any department. It now becomes the duty of the tribunal to consider the information collected by the registrar and such other information as it, in the light of its local knowledge, thinks useful, and to arrive at such a decision as seems proper, ordinarily without the necessity of requiring the attendance of the applicant or any other witness.

Changes in law and procedure.

12. A schedule of the claims for exemption or applications for the renewal, variation or withdrawal of an exemption already granted will be prepared in the office of the Registrar who will transmit it to the tribunal with all relevant papers and forms upon which the decision of the tribunal will be rendered. If Notice of Hearing has been given the fact will be notified by the Registrar to the tribunal.

Schedules.

Representations of fact and notes thereof.

13. Whether or not Notice of Hearing has been given the tribunal may at any time up to the date specified for the hearing of any application receive from any person any representations of fact relating to the propriety or otherwise of granting or extending the exemption. These representations may be made by letter or in any other informal way. When necessary the tribunal may require statements before it to be made on oath but this should seldom be necessary. In the case of any statement made orally the tribunal will make a sufficient note of the facts stated so that the grounds of its decision may appear fully from the papers in connection with the claim.

Consideration by tribunals.

14. Ordinarily no Notice of Hearing will require to be given and it will not be necessary for the tribunal to do more than to consider, in the light of the local knowledge it has and can obtain, whether or not the facts appearing from the papers submitted by the Registrar show that the exemption should be granted or continued.

Failure to reply to registrars questions.

15. When the man concerned or the applicant for exemption has failed to answer the questions submitted to him for answer in connection with his exemption, his exemption becomes subject to immediate termination and should be terminated unless it appears that the national interest will suffer if that course is taken. When therefore the papers submitted by the Registrar show failure on the part of the applicant to furnish the information asked for by the Registrar the tribunal will direct the termination of the exemption, if still current, or will refuse to renew the exemption, unless the tribunal obtains and records information justifying its continuance.

Burden of proof.

16. Before deciding to grant or continue an exemption the tribunal must be thoroughly convinced that the national interest or the personal circumstances of the man concerned are such as to make it necessary that he should not be required to perform military duty. The burden of convincing the tribunal that he should not be so required is upon the applicant and if he fails the exemption should be refused or brought to an end. Only in exceptional cases will any public representative be directed to attend. The tribunal itself will represent and protect the interests of both the public and the individual.

Time allowed for decision.

17. No tribunal must under any circumstances retain the papers sent it by the Registrar for more than seven days after the date for hearing shown upon the schedule. Such a date will always be shown whether or not Notice has been given to any person that the hearing is to be on that day. If more than seven days are allowed to elapse without the

return of the papers both members of the tribunal will be liable as for a breach of the Regulations, unless the permission of the Registrar for the additional delay has been obtained. It will usually be found more convenient to dispose of all the cases on the day mentioned in the schedule as the date of hearing and to return to the Registrar the schedule with the decision and other papers. It may be impossible to do so in certain cases and, if this is so, an advice will be sent to the Registrar indicating the reasons which compel delay even within the seven days allowed.

18. Upon the tribunal arriving at a decision, the form of notification to the Registrar on the reverse side of M.S.A. 65 will be completely filled in. All the papers will be attached to this sheet and returned to the Registrar. It is of the utmost importance that all the answers to all the questions required be fully given. No Notice of Disposition need be given by the tribunal. Any notices required as a result of the decision of the tribunal will be despatched by the Registrar upon the return to him of the papers.

How decision
recorded and
verified.

19. If exemption is claimed on the ground of ill health or infirmity and this is obvious or sufficiently appears from the documents, exemption may be granted by the tribunal on that ground. Otherwise exemption will not be so granted, but a special note will be made that the man should be examined by the Medical Board of Review and exemption refused subject to such a medical examination. If exemption is not claimed on the ground of ill health or infirmity no tribunal need concern itself with the physical condition of the man concerned beyond giving such information as it has in answer to the questions on M.S.A. 65.

Medical
fitness.

20. In every case in which the tribunal refuses to renew or terminates the exemption, it will, if this can be conveniently done, obtain from the man concerned his exemption certificate, if any has been issued to him, and will forward same to the Registrar.

Obtaining
exemption
certificates.

DISTINCTION BETWEEN EXEMPTION AND EXCEPTION.

21. Exemption can only be granted on one or the other of the statutory grounds. All of these grounds are set out in Section 11 of the Act, with one exception which is contained in the *War Time Elections Act, 1917*, passed by Parliament at a date subsequent to the adoption of the *Military Service Act*. The material provisions of the *War Time Elections Act* and of the *Dominion Elections Act*, which it amends, are set out in Appendix 2 to this memorandum. These grounds of exemption must, however, not be confused with

Exceptions
distinguished
from exemp-
tion.

the exceptions contained in the Schedule to the *Military Service Act*. The exceptions in that Schedule (of which the first has no application to the first draft) are intended wholly to exclude the persons described in it from the operation of the Act. No duty whatever is imposed upon them and they are under no obligation to apply for exemption.

EXEMPTIONS.

General.

22. When the Memorandum for the Guidance of Tribunals was first issued the question of the extent to which tribunals could be assisted in their disposition of claims for exemption by any detailed statement or instructions as to the effect which should be given to section 11 of the Act received very anxious consideration, and it was decided that nothing but the most general indication of the principles of decision could be attempted. Even so, it was considered that any statement of principle should not be taken as more than an attempt to put into form some of the points which, in the course of the administration of the Act, had been raised, and to give to members of tribunals the benefit of the discussions thus caused. Now, however, certain decisions on actual states of fact have been given by the Central Appeal Judge. These are now appended to the present pamphlet and are binding upon all tribunals so far as the principles laid down are applicable. Further decisions as given will be sent to all members of tribunals and will be followed in all cases which arise after they have been received.

The public duty.

23. The *Military Service Act, 1917*, does nothing more than provide the machinery by which the people of Canada can provide the men necessary to maintain at their proper strength the military forces Canada has sent to take part in the war, and thus preserve the national faith and honour. The actual provision of the men by means of that machinery is an obligation imposed upon the Canadian people, to whose opinion, acting through this machinery, effect can be given in individual cases.

Problem to be solved.

24. The problem is to provide the reinforcements which national duty and national honour require, having regard on the one hand to national civil necessities and on the other to the special circumstances of individuals. From the national point of view regard must be had not only to the military requirements, but also to the service for war purposes (including not only direct war service but

service necessary to maintain the general national fabric) of those whose labours in Canada will be of greater advantage than would be their services at the front. The circumstances of an individual include his domestic position, his financial and business obligations, his state of physical health and, in some cases, his religious faith, place of birth and mother tongue. The importance of the careful and conscientious performance by tribunals of their duty cannot be over-estimated. An exemption granted for insufficient reasons not only deprives the State of a soldier, but tends to sow the seeds of bitterness and discord in the community. The arbitrary refusal of exemptions is, on the other hand, to be avoided. There follow some special considerations applicable to each ground of exemption with an indication of the character of the facts which should appear in support of each. These may be found useful to tribunals as a guide in the performance of their duties.

NATIONAL GROUNDS OF EXEMPTION.

25. No. 1.—*Present occupation*.—In dealing with claims for exemption on the ground that it is expedient, in the national interest, that the man, instead of being employed in military service, should be engaged in other work in which he is habitually engaged, the difficulty and danger of attempting to enumerate occupations, the continuance of which is in the national interest, is peculiarly pressing. The relations of occupations to one another are complex and varied. The importance of individuals to the business or occupation in which they are engaged differs with each individual. It is therefore neither practicable nor desirable to attempt such an enumeration. Tribunals must consequently exercise their best judgment and use their common sense in giving effect to this ground for exemption, having regard to local conditions and to their general knowledge of the domestic and world situation from the point of view of production, manufacturing and commerce.

Present
occupation.
Section 11-1-A
Ex. No. 1.

26. The dominant factor is of course the national interest and every claim under this head must be determined by this test. In the most general terms it may be said that the maintenance of the supply of food, with particular reference to fish, wheat and meat, of coal, steel and certain kinds of metal, and of timber of certain kinds is, or may be, of primary importance. The same is also true of certain manufactured products and of the operation of railways, steamships, telegraphs, telephones, light, heat and power plants. The machinery of finance must also, of course, be kept in full and efficient

Dominant
consideration.

operation to ensure the continuance of production and the distribution of the produce over those areas in which they are required. It is, however, not only the production and manufacture of articles directly necessary to the conduct of the war to which regard must be had. Canada must not only throw her strength into the field, but must maintain those of her industries upon which depend her capacity to bear the financial burdens involved. While therefore national interest is primarily concerned with processes and products essential for war purposes, it is also vitally concerned with the maintenance, so far as consistent with the performance of her military obligations, of the economic fabric of the nation.

27. In the case of all industrial, financial and public service undertakings regard should be had by tribunals to the extent to which the substitution of the labour of those, both men and women, not available for service has or can be substituted for the labour of those whose service can be advantageously used for military purposes.

Evidence.

28. In the event of an application for exemption being made on this ground, the tribunal should have laid before it a full statement of the reasons why in the opinion of the applicant the occupation in question is of national importance, and the reasons why in the national interest the man concerned should not be withdrawn for military service. If the application is made by an employer, the tribunal should obtain full information with regard to the total number of persons employed by the applicant, and the number of them who have been exempted from military service.

29. No. 2.—*Prospective Employment*.—The same general principles as applied to the last ground of exemption apply equally to this, and it is only necessary to add in respect of it a warning to tribunals against the possible inclination which may be manifested to seek exemption on this ground without any real intention to enter an occupation of national importance relying merely upon the hope of escaping the obligation of military service.

Education
and training.
Sec. 11 (1 c).
Ex. No. 3.

30. No. 3.—*Education and Training*.—In times of peace, the education and training of the young is of importance hardly secondary to that of any other national interest, but in a time of such a war as the present one, everything must become of secondary importance by comparison with the continued national existence at stake in the struggle; consequently effect should not be given to this ground of exemp-

tion unless it be manifest to the tribunal that the education or training of the individual concerned is designed to qualify him for service which will increase the national strength for war purposes, or which will be necessary for the maintenance and upholding of the social fabric of the nation and its stability during and after the war. In applying this principle, tribunals will keep in mind that war as now waged is a war of experts, and that it is no longer as it once was considered to be, a question of the human physical force available for bodily contact with the enemy, but that the prevention of disease among the men, and even among the animals, at the front, their cure from disease and wounds and the care and direction of very highly specialized apparatus involving knowledge of scientific principles, is now of an importance which cannot be exaggerated. The supply of specially trained men for these purposes is therefore a matter of high national interest and losses among men of this type have been and continue to be great so that constant renewal of the supply is of the first importance.

31. Where exemption is claimed on the ground that it is in the national interest that education or training should continue, the progress so far made by the individual, his peculiar aptitudes, the length of time the completion of his training will involve and his prospective usefulness thereafter are all considerations of the utmost importance. Evidence.

PERSONAL GROUNDS OF EXEMPTION.

32. In considering any application for exemption on the ground that serious hardship would ensue, if the man were placed on active service, owing to exceptional financial or business obligations, or domestic position, attention should be directed to the necessity that the hardship should be serious in order to justify exemption. War involves sacrifice and in every case of a man being called to the colours some measure of sacrifice is demanded either from him or from those with whom he is connected by domestic or business relations.

33. No. 4.—*Financial Obligations*.—Even the first Class as defined by the Act may include men who have undertaken such heavy financial obligations that their withdrawal for military service would involve grave hardship. Cases of this kind will no doubt receive sympathetic consideration by the tribunals. The line between certain cases falling within this ground of exemption and cases falling under the first ground will sometimes be narrow, as there

Financial
obligations
Sec. 11 (1 a)
Ex. No. 4.

is no doubt a national interest in individuals with heavy personal financial liabilities not being prevented from meeting them as they accrue due. Where, however, financial obligations are relied upon for exemption, the facts must be such as to indicate that the liabilities in question could be met if the man were allowed to continue in his civil occupation and any difficulty attendant upon their discharge would be due, not to the circumstances of the individual, but to his withdrawal for military service.

Evidence.

34. When an application is based upon hardship due to exceptional financial obligations the tribunal should have before it the extent of the obligations in question, possibly the mode in which they arose, and the extent of which the withdrawal of the man for military duty would affect his capacity to discharge them.

Business
obligations
Sec. 11 (1 d).
Ex. No. 5.

35. No. 5.—*Business Obligations*.—As in the case of financial obligations, men may be found even within Class I upon whom depends the prosperity or even the existence of a business. The considerations applicable to this ground of exemption are from one point of view very similar to those which arise in connection with financial obligations, and include both the personal and national aspects of that ground. There is, however, in connection with this ground of exemption, the additional consideration of the possible hardship to others than the man called if such others would by his withdrawal for military service be deprived of their means of livelihood owing to the disappearance of the business in question.

Evidence.

36. In the case of an application based on serious hardship due to business obligations, the exact position of the man concerned in relation to the business should be stated, and evidence should also be given to show the number of persons employed whose livelihood might be affected by its ceasing to be carried on, and the extent to which its continuance depends upon the presence of the man concerned.

Domestic
position.
Sec. 11 (1 d)
Ex. No. 6.

37. No. 6.—*Domestic Position*.—The facts which may create a case for exemption on this ground are too numerous and various to anticipate with any approach to accuracy. The circumstances may have relation to the financial support the man in question has been in the habit of providing for relatives or others who would as a result of his withdrawal for military service be in want. They may also be of a character having no relation to financial conditions and may arise from personal considerations connected with the

mental and physical health or the age (at both extremes) of individuals in respect of whom the man in question stands in some special personal relation. They may also arise by reason of the extent to which voluntary enlistment from the family of the man in question has already taken place. Indeed, where from a given family one or more are already members of the Canadian Expeditionary Force, every humane consideration would point to the propriety of a single remaining member being granted exemption on this ground. These reasons might also apply to more than one member of a family from which voluntary enlistment has already taken two or more members, especially if one or more had already been wounded or killed.

38. If application is made on the ground of serious hardship due to exceptional domestic position, the tribunal should insist upon knowing the exact relationship by blood or otherwise in which the man stands to the person to whom hardship might ensue, the character of that relation, perhaps the mode in which it originated, the number of persons affected, the extent of the financial obligations, if any, assumed, and the number of persons in the family who have already volunteered for service in the Canadian Expeditionary Force, with particular reference to the number, if any, who have already suffered death or wounds. Evidence.

39. No. 7.—*Ill Health or Infirmary*.—The duty of determining whether or not a man is entitled to exemption under this head does not extend to the determination of the probable effect of military service upon an individual who is fitted for ordinary occupations. The particular kind of military service (whether in an infantry battalion, a non-combatant unit or in a clerical capacity), for which an individual's physical condition fits him is a question which must be determined by trained physicians having expert technical knowledge of the human organism. When therefore a claim for exemption is made upon the ground of ill health or infirmity a tribunal will grant it only if it appears that the man is clearly incapable of any kind of military duty by reason of his condition being such as to incapacitate him from many civil occupations, for example, because of the loss of a limb, partial paralysis or mental incapacity. Where the ill health or infirmity relied upon by the applicant is not of an obvious character the question will be referred to the Medical Board of Review for special consideration, the findings of that Board being final so far as local or appeal tribunals are concerned and being subject to review only on appeal to the Central Appeal Judge.

Conscientious
objection.

Section 11 (If)

Ex. No. 8.

40. No. 8.—*Conscientious Objection*.—The terms in which this exemption is stated in the Statute are quite clear. Two things must appear in order that exemption on this ground should succeed. It is first necessary that the man himself should have a conscientious objection to undertaking combatant service, and it is also necessary that he should in good faith belong to an organized religious denomination which was existing and well recognized in Canada on the 6th of July, 1917, and by the tenets and articles of faith of which on that date combatant service was prohibited.

Evidence.

41. Where application is made on the ground of conscientious objection, the tribunal should have before it the statement showing how long the man concerned has been a member of the religious denomination his membership in which is the ground of his claim and a certificate of a minister or official of that denomination setting out what the provisions of the articles of faith are, the fact that these articles were in force on the 6th July, 1917, and perhaps also corroborating the membership in that organization of the man concerned.

Enemy birth
Appx 5..

Ex. No. 9.

42. No. 9.—*Disfranchisement under the War-time Elections Act*.—The persons entitled to exemption on this ground are defined by the *War-time Elections Act* and are set out in Appendix 2. Exemption on this ground is limited to exemption from combatant service and the decision of the tribunal will be expressed accordingly.

Evidence.

43. When exemption is claimed on this ground the fact of birth in an enemy country or the fact that the man's "mother tongue" is an enemy language must be made to appear. The date and place of naturalization in Canada should also be shown, a copy of the naturalization certificate being, if possible, obtained. The Consul General for Switzerland, Mr. Benj. R. Iseli, whose address is Montreal, P.Q., will furnish the information required to determine any doubtful question which arises with respect to the "mother tongue" of a former citizen of that republic. It will be remembered that if the man has not been naturalized he is not affected by the Act, which is limited in its application to British subjects.

APPENDIX 1.

DISTRICTS OF REGISTRARS AND DEPUTY REGISTRARS.

| Registrar's Name. | District Letter. | Headquarters. | Province or Counties Comprised. | Military District Number. |
|-------------------------------------------------|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| W. W. Stanley, Esq..... | H | Charlottetown.. | Prince Edward Island..... | 6 |
| E. Hart Nichols, Esq..... | G | Halifax..... | Nova Scotia..... | 6 |
| W. A. Ewing, K.C..... | F | St. John..... | New Brunswick..... | 7 |
| Antoine Gobeil, K.C..... (Deputy Registrar.) | E | Quebec, P.Q.... | Wolfe, Richmond, Compton, Beauce, Bellechasse, Bonaventure, Dorchester, Gaspé, Kamouraska, Levis, L'Islet, Champlain, Charlevoix, Chicoutimi, Montmorency, Quebec, Portneuf, Saguenay, Lotbiniere, Montmagny, Matane, Megantic, Rimouski, and Temiscouata. | 5 |
| Eugene Godin, K.C..... | D | Montreal, P.Q.. | Jacques Cartier, Hochelaga, Laval, Vaudreuil, Soulanges, Napierville, Beauharnois, Chateauguay, Huntingdon, Laprairie, Argenteuil, Terrebonne, Two Mountains, Montcalm, L'Assomption, Joliette, Berthier, Maskinonge, St. Maurice, Three Rivers, St. Johns, Iberville, Missisquoi, Brome, Shefford, Rouville, Chambly, Vercheres, St. Hyacinthe, Bagot, Drummond, Richelieu, Yamaska, Nicolet, Arthabaska, Sherbrooke and Stanstead. | 4 |
| F. A. Labelle, Esq..... (Deputy Registrar.) | S | Hull, P.Q..... | Counties of Ottawa, Pontiac and Timiskiming. | 3 |
| Major H. P. Cooke (Deputy Registrar). | P | Kingston, Ont.. | Durham, Northumberland, Victoria, Peterborough, Hastings, Prince Edward, Lennox, Addington, Frontenac, Haliburton, Carleton, Dundas, Glengarry, Renfrew, Russell, Stormont, Grenville, Lanark, Leeds, Prescott, and the district of Nipissing south of Mattawa river (exclusive of Townships of Ferris and Bonfield.) | 3 |
| C. Leslie Wilson, Esq..... | B | Toronto, Ont.... | Lincoln, Welland, Haldimand, Norfolk, Brant, Wentworth, Halton, Peel, York, Ontario, Grey, Dufferin, Simcoe, the Districts of Muskoka, Parry Sound, Algoma and Nipissing north of the Mattawa and French rivers (including the Townships of Ferris and Bonfield.) | 2 |
| W. E. Wismer, Esq., (Deputy Registrar). | A | London, Ont.... | Essex, Kent, Lambton, Elgin, Middlesex, Oxford, Waterloo, Wellington, Perth, Huron, Bruce. | 1 |
| Geo. A. Toole, Esq..... | T | Winnipeg..... | Districts of Rainy River and Thunder Bay, in the Province of Ontario. | 10 |
| George A. Toole, Esq..... | J | Winnipeg..... | Province of Manitoba. | 10 |
| A. L. Haining, Esq..... | L | Regina..... | Province of Saskatchewan..... | 12 |
| J. M. Carson, Esq..... | M | Calgary..... | Province of Alberta..... | 13 |
| Robt. S. Lennie, K.C..... | K | Vancouver..... | Province of British Columbia..... | 11 |
| John Black, Esq..... | N | Dawson City.. | Yukon..... | 11 |

APPENDIX 2.

The Dominion Elections Act, R.S.C. Chapter 6, s. 67, as amended by the War-time Elections Act (7-8 Geo. V, c. 39 s. 2 (*d, e*)), provides as follows:—

67. The following persons shall be disqualified and incompetent for vote at any election:—

Naturalized
enemy
aliens.

“(g) Except as in this paragraph provided, every naturalized British subject who was born in an enemy country and naturalized subsequent to the 31st day of March, 1902. A person shall be deemed to have been born in an enemy country, within the meaning of this paragraph, if he was born in a country which forms part of the territory of any country with which His Majesty is at war: Provided that a person claiming to vote who was a natural born citizen or subject of France, Italy, or Denmark, and who arrived in Canada before the date upon which the territory in which he was born became part of Germany or Austria (as the case may be) shall not be deemed to have been born in an enemy country if he produces to the deputy returning officer an unrevoked certificate in the form W|3 in the Schedule. Such certificate may be issued by the enumerator of the polling division whereof the person, were it not for his nationality would be an elector, not later than three days before polling day upon satisfactory proof furnished by deposition under oath to the enumerator as to the facts. If at any time before such person has voted the returning officer of the electoral district has reason to believe that the facts did not justify the issue of any such certificate, he may revoke the same.”

Naturalized
aliens whose
language is
that of an
enemy.

“(h) Every naturalized British subject who was born in any European country (whether or not the sovereign or government thereof is in alliance with His Majesty in the present war) whose natural language, otherwise described as “mother tongue,” is a language of an enemy country, and who was naturalized subsequent to the 31st day of March, 1902.

Exceptions.

Naturalized
subjects
serving in
army or
navy.

Provided that nothing contained in this section shall be construed as preventing any naturalized British subject (if otherwise qualified) from having his or her name on a list of voters or from voting who—(i) is serving or has served without Canada

as one of the military or within or without Canada as one of the naval forces of Canada or of His Majesty or of any of his allies in the present war, or (ii) produces a certificate signed by the Commanding Officer of a Military District, or an officer thereto authorized by him, that that person is or has been a member of any such forces and has been engaged in active service within or without Canada during the present war, or is a person who has applied for enlistment as a member of such forces to so serve and has been rejected only because medically unfit, or is a grandparent, parent, son or brother of a person who is or has been a member of any of such forces and has been engaged in active service, or of a person who has so applied and been so rejected; or (iii) is or has been at any time during the present war a member of the Parliament of Canada or of a province; or (iv) is a Christian and either a Syrian or an Armenian; (or v) is a female voter entitled to vote under section 33A of this Act."

Producing certificate of service or application to enlist.

Relatives included.

Member of Parliament. Syrian or Armenian. Female voter. Military convict.

"67A. Notwithstanding anything appearing in the *Act respecting Military Service* passed in the year 1917, or in any other Act or Order in Council—

All disqualified aliens exempted from military service.

(1) All persons who are by the terms of paragraphs (g) and (h) of section 67 of this Act disqualified from voting, with such of their sons as on polling day are not of legal age shall be, and shall be held, exempt from combatant military and naval service; and

(2) All persons who shall have voted at a Dominion election held subsequent to the 7th day of October, 1917, during the present war shall be held ineligible and incompetent—(a) to apply for, or to be granted on the application of another, exemption from combatant military or naval service on conscientious grounds, or (b) to be excepted as a Mennonite or as a Doukabor from the provisions of said *Act respecting Military Service* or exempted as such from combatant military or naval service on conscientious grounds.

Persons who vote at Dominion elections cannot claim exemption from military service.



7-8 GEORGE V.

CHAP. 19.

An Act respecting Military Service.

[Assented to 29th August, 1917.]

WHEREAS by section ten of the *Militia Act*, chapter Preamble
forty-one of the Revised Statutes of Canada, 1906, it is
enacted as follows:—

“All the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia: Provided that the Governor General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *levée en masse*;”

And whereas by section sixty-nine of the said Act it is further enacted as follows:—

“The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada, and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency;”

And whereas by the said Act it is further enacted that, if at any time enough men do not volunteer to complete the quota required, the men so liable to serve shall be drafted by ballot;

And whereas to maintain and support the Canadian Expeditionary Force now engaged in active service overseas for the defence and security of Canada, the preservation of the Empire and of human liberty, it is necessary to provide reinforcements for such Expeditionary Force;

And whereas enough men do not volunteer to provide such reinforcements;

And whereas by reason of the large number of men who have already left agricultural and industrial pursuits in Canada to join such Expeditionary Force as volunteers, and of the necessity of sustaining under such conditions the productivity of the Dominion, it is expedient to secure the men still required, not by ballot as provided in the

Militia

Militia Act, but by selective draft: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title. **1.** (1) This Act may be cited as *The Military Service Act, 1917*.

Definitions. (2) In this Act, unless the context otherwise requires,—
 “Certificate ” means a certificate of exemption from military service under this Act;
 “The Militia Act ” means the *Militia Act* and all regulations and orders made under the authority thereof;
 “The Army Act ” means the *Army Act* for the time being in force in the United Kingdom and all regulations and orders made under the authority thereof;
 “Regulations ” means regulations made by the Governor in Council under the authority of this Act and directions made under such regulations;
 “Minister ” means the Minister of Justice;
 “Tribunal ” means a tribunal constituted under this Act.

Persons liable for service. **2.** (1) Every male British subject who comes within one of the classes described in section three of this Act, and who,—

- (a) is ordinarily resident in Canada; or,
- (b) has been at any time since the fourth day of August, 1914, resident in Canada,

shall be liable to be called out as hereinafter provided on active service in the Canadian Expeditionary Force for the defence of Canada, either in or beyond Canada, unless he

- (a) comes within the exceptions set out in the Schedule; or,
- (b) reaches the age of forty-five before the class or subclass to which he belongs, as described in section three, is called out.

Such service shall be for the duration of the present war and of demobilization after the conclusion of the war.

Voluntary enlistments. (2) Nothing in this Act shall prevent any man from voluntarily enlisting in the Canadian Expeditionary Force, so long as voluntary enlistment in such Force is authorized.

Division into classes **3.** (1) The men who are liable to be called out shall consist of six classes described as follows:—

Class 1.—Those who have attained the age of twenty years and were born not earlier than the year 1883 and are unmarried, or are widowers but have no child.

Class 2.—Those who have attained the age of twenty years and were born not earlier than the year 1883 and are married, or are widowers who have a child or children.

Class

Class 3.—Those who were born in the years 1876 to 1882, both inclusive, and are unmarried, or are widowers who have no child.

Class 4.—Those who were born in the years 1876 to 1882, both inclusive, and are married, or are widowers who have a child or children.

Class 5.—Those who were born in the years 1872 to 1875, both inclusive, and are unmarried, or are widowers who have no child.

Class 6.—Those who were born in the years 1872 to 1875, both inclusive, and are married, or are widowers who have a child or children.

(2) For the purposes of this section, any man married after the sixth day of July, 1917, shall be deemed to be unmarried. Marriages.

(3) Any class, except Class 1, shall include men who are transferred thereto from another class as hereinafter provided, and men who have come within Class 1 since the previous class was called out. Transfers among classes.

(4) The order in which the classes are described in this section shall be the order in which they may be called out on active service, provided the Governor in Council may divide any class into subclasses, in which case the subclasses shall be called out in order of age beginning with the youngest. Order of calling out classes.

4. (1) The Governor in Council may from time to time by proclamation call out on active service as aforesaid for the defence of Canada, either in Canada or beyond Canada, any class or subclass of men described in section three, and all men within the class or subclass so called out shall, from the date of such proclamation, be deemed to be soldiers enlisted in the Military Forces of Canada and subject to military law for the duration of the present war, and of demobilization thereafter, save as hereinafter provided. Calling out by classes.

(2) Men so called out shall report, and shall be placed on active service in the Canadian Expeditionary Force as may be set out in such proclamation or in regulations, but until so placed on active service, shall be deemed to be on leave of absence without pay. Report by men called out.

(3) Any man by or in respect of whom an application for exemption is made as hereinafter provided, shall, so long as such application or any appeal in connection therewith is pending and during the currency of any exemption granted him, be deemed to be on leave of absence without pay. Status of men pending applications.

(4) Any man who is called out and who, without reasonable excuse, fails to report as aforesaid, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for any term not exceeding five years, with hard labour. Penalty for not reporting.

of Commons; the other member shall be appointed by the following authority:—

I. In those provinces in which there are county courts Generally. or district courts, the county court judge or district court judge, or, if more than one, the senior judge for the county or district in which the local tribunal is established, or when the place at which a local tribunal is to be established is not within the territorial limits of any county court or district court, then by such judge as may be determined by the Minister.

The judge making the appointment may appoint himself or any other judge having jurisdiction in the county or district.

For the purposes of this section, "county court judge" or "district court judge" includes any deputy judge authorized by law to act for the time being for any such judge, and also includes any acting judge so authorized.

II. In the province of Quebec:—

- (a) In the judicial districts of Montreal and Quebec, any Quebec. judge of the Superior Court of the province of Quebec who is authorized by the Chief Justice of the said Court or authorized by the judge appointed to perform the duties of Chief Justice in the judicial district.
- (b) In the other judicial districts the judge of the Superior Court of the province of Quebec assigned to the judicial district within which the local tribunal is established.

III. In the Yukon Territory:—

The judge of the Territorial Court or the person appointed Yukon. under the provisions of the *Yukon Act* to act in place of such judge; and

IV. In the Northwest Territories:—

The Commissioner of the Royal Northwest Mounted Northwest. Police.

(4) (a) The names and addresses of all persons appointed Appointment by Minister if local tribunals not formed, and filling of vacancies. on a local tribunal shall, as may be provided by regulations, be communicated to the Minister.

(b) The Minister may by telegraph or otherwise appoint one or both members, as the case may be, of any local tribunal, if he has not received, within such period before the tribunal is to sit as may be fixed by regulation, the names and addresses of members duly appointed.

(c) A vacancy occurring shall be filled by the authority who appointed the member vacating, and if not so filled or if communication of same as aforesaid has not been received by the Minister within such period as may be fixed by regulation, the Minister may fill such vacancy.

(5) Each member of a local tribunal shall, unless, he Oaths. be a judge, make oath or affirmation that he will faithfully and impartially perform his duties as such member. Such oath

oath or affirmation may be made before a judge, a justice of the peace, a commissioner for taking affidavits, or before such other person as in any special case the Minister may direct.

Penalty for
not acting.

(6) Any person duly appointed a member of a local tribunal shall, unless relieved in writing by the authority appointing him, perform his duties as such member, and any person who without reasonable excuse fails so to do shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding two years and not less than three months.

Local tribunal
to decide on
exemptions.

(7) Each local tribunal shall hear and decide applications for certificates of exemption made to such tribunal as provided in section eleven.

APPEAL TRIBUNALS.

Appeal
tribunal
established.

7. (1) The Chief Justice of the court of last resort in each province, or in case of his absence, or failure to act, then, a judge of that court designated by the Minister, shall establish for such province a sufficient number of Appeal Tribunals, and shall assign to each such tribunal in the province of Quebec one judge of the Court of King's Bench or Superior Court of said province, and in the other provinces one judge of any court of such province, and shall distribute among such tribunals all appeals from, and cases stated under subsection two of section ten by local tribunals of which the Registrar has notice, and such Appeal Tribunals shall severally hear and decide the same: Provided that appeals from a local tribunal on which sits one or more judges shall be heard and decided by an appeal tribunal constituted of a judge of a higher court.

Yukon
Territory.

(2) The Judge of the Territorial Court, or the person appointed in the place of the said judge under the provisions of the *Yukon Act*, shall constitute the Appeal Tribunal for the Yukon Territory.

FINAL TRIBUNAL.

Central
Appeal Judge.

8. The Governor in Council may appoint one of the judges of the Supreme Court of Canada to be the Central Appeal Judge.

REGISTRARS.

Registrar for
each
province.

9. A Registrar for each Province may be appointed by the Governor in Council.

APPEALS.

10. (1) Any person aggrieved by the decision of a local tribunal, and any person authorized by the Minister of Militia and Defence, may appeal against any such decision. Appeals.

(2) If the two members of a local tribunal cannot agree as to any decision to be made by them, they shall forthwith state in writing the case to be decided and cause the statement to be sent to the Registrar for the province in which the tribunal is established. Submitting case for decision.

(3) (a) Subject to the provisions of paragraph (b) of this subsection there shall be an appeal from any appeal tribunal to the Central Appeal Judge. Appeal to Central Appeal Judge.

(b) The Governor in Council, on the recommendation of the Central Appeal Judge, may make regulations governing the right to and fixing the conditions of appeal from an appeal tribunal to the Central Appeal Judge. Regulations for such appeals.

(4) The Central Appeal Judge shall be the tribunal of last resort, and the Governor in Council may, on his recommendation, appoint one or more other judges of any superior court to assist the said Central Appeal Judge in the discharge of his duties, and define their powers. Appointment of assistant judges.

EXEMPTIONS.

11. (1) At any time before a date to be fixed in the proclamation mentioned in section four, an application may be made, by or in respect of any man in the class or subclass called out by such proclamation, to a local tribunal established in the province in which such man ordinarily resides, for a certificate of exemption on any of the following grounds:— Application for, and grounds of exemption.

(a) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he is habitually engaged;

(b) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he wishes to be engaged and for which he has special qualifications;

(c) That it is expedient in the national interest that, instead of being employed in military service, he should continue to be educated or trained for any work for which he is then being educated or trained;

(d) That serious hardship would ensue, if the man were placed on active service, owing to his exceptional financial or business obligations or domestic position;

(e)

(e) Ill health or infirmity;

(f) That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs; and if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

Conditional
certificates.

(2) (a) A certificate may be conditional as to time or otherwise, and, if granted solely on conscientious grounds, shall state that such exemption is from combatant service only.

(b) A certificate granted on the ground of the continuance of education or training, or on the ground of exceptional financial or business obligations or domestic position, shall be a conditional certificate only.

(c) No certificate shall be conditional upon a person to whom it is granted continuing in or entering into employment under any specified employer or in any specified place or establishment.

(d) A certificate may transfer a man to the class next in numerical order.

(e) When a conditional certificate is granted the conditions shall be stated on the certificate.

(f) It shall be the duty of any man holding a conditional certificate within three days after the conditions stated therein cease to exist or after his exemption terminates, to give notice in writing of such fact to the Registrar of the province in which he ordinarily resides; and if he fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred and fifty dollars.

Renewal,
variation or
withdrawal
of certificates.

(3) (a) Subject to such conditions as to application and notice as may be provided by regulations, and subject also to paragraph (b) of this subsection, a certificate may, during the currency thereof, be renewed, varied or withdrawn at any time by the local tribunal issuing the same.

(b) Where a decision of a local or appeal tribunal has been varied on appeal to an appeal tribunal or to the Central Appeal Judge, a certificate granted upon such variation shall thereafter, subject to such conditions as to application and notice as may be provided by regulations, be renewed, varied or withdrawn, but only during the currency thereof and only by the appeal tribunal or judge who granted the certificate.

Penalty for
false represen-
tation.

(4) Any person who, for the purpose of obtaining a certificate or a condition in a certificate for himself or for any other person, or for the purpose of obtaining the renewal

renewal, variation or withdrawal of a certificate, makes any false statement or representation, shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding twelve months with or without hard labour.

(5) (a) Any man who, having applied to any local tribunal for the issue to him of a certificate, applies without the leave of the Minister to any other local tribunal for a certificate, and any person who, knowing or having reason to believe that an application for a certificate has been made or is being made by or in respect of a man to a local tribunal, makes or aids or abets in the making or establishing of an application without such leave by or in respect of such man to another local tribunal, shall be guilty of an offence, and shall be liable on summary conviction to a penalty of not less than one hundred dollars and not more than one thousand dollars.

Penalty for applying to more than one local tribunal for certificate.

(b) All applications and all proceedings taken on applications for certificates, made without the leave of the Minister, by or in respect of a man before a local tribunal other than the local tribunal before which the first application by or in respect of such man was made, shall be null and void.

Applications to another tribunal without leave, null and void.

(c) Notwithstanding anything in this section contained, the Governor in Council may by regulations abolish any local tribunal, and transfer its duties and powers to any other local tribunal.

Power to abolish local tribunals.

(6) Any person who alters or tampers with a certificate or, for the purpose of evading this Act, falsely represents himself to be a person to whom a certificate has been granted, or, if granted a certificate, allows, for like purpose, any other person to have possession thereof, shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding six months.

Altering or tampering with certificates, or false representation.

(7) When a certificate is lost, destroyed or defaced, the tribunal by whom it was granted shall, upon the application of the man to whom it was granted and upon payment of a fee of fifty cents, issue to him a duplicate of such certificate.

Lost or defaced certificates.

REGULATIONS.

12. (1) The Governor in Council may make regulations to secure the full, effective and expeditious operation and enforcement of this Act, and in particular, but not to limit the generality of the foregoing, may,—

Regulations.

(a) define the duties of Registrars and fix their remuneration;

(b) authorize officers and tribunals to give directions not inconsistent with this Act;

(c)

- (c) on the recommendation of the Central Appeal Judge prescribe the conditions as to time or otherwise under which applications for certificates may be made, deferred applications received, appeals entered and heard and re-hearings had, and prescribe forms;
- (d) prescribe for the keeping and transmission of records;
- (e) appoint such peace officers or other officers and give them such powers and impose on them such duties as may be deemed necessary;
- (f) make provision for expenses and the remuneration of officers;
- (g) prescribe penalties for peace officers or other officers appointed under the authority of this Act, who are convicted of neglect or refusal to perform duty without reasonable excuse.

Publication. (2) All proclamations and regulations shall be published forthwith in the *Canada Gazette* and in such other manner, if any, as the Governor in Council may think necessary to ensure knowledge thereof by all persons concerned, and shall forthwith be laid before Parliament if then in session, and if not in session within ten days after the next meeting thereof.

Construction. (3) All regulations shall have the same force and effect as if they formed part of this Act.

GENERAL PROVISIONS.

Application of Militia and Army Acts. **13.** (1) The *Militia Act*, the *Army Act*, and the King's Regulations and Orders for the Army, shall, so far as not inconsistent therewith, apply to and form part of this Act.

Exceptions.

(2) Section twelve, and subsection two of section forty, and the proviso to section forty-five, of the *Militia Act*, shall not apply to men liable to be called out under this Act.

Transfer to Naval Service.

(3) The Minister of Militia and Defence may transfer to the Naval Service any man who has reported for duty under the provisions of this Act.

Limit of 100,000 men.

(4) Unless further authorized by Parliament the reinforcements provided under this Act shall not exceed one hundred thousand men.

Punishment provided by other Acts not affected.

(5) Nothing in this Act contained shall be held to limit or affect the punishment provided by any other Act or law for the offence of assisting the enemy nor the powers of the Governor in Council under *The War Measures Act, 1914*.

Burden of proof.

14. If in any prosecution under this Act any question shall arise in respect of the matters hereinafter mentioned, the

the burden of proof shall be upon the person charged to establish by satisfactory evidence,—

- (a) that he does not come within any specified class called out;
- (b) that he has duly reported in accordance with section four;
- (c) that he comes within any of the exceptions set out in the Schedule hereto;
- (d) that he has been duly exempted under section eleven:

And in the absence of such evidence the contrary shall be conclusively presumed.

15. (1) Every man within the classes described in section three shall, after his class or subclass is required to report, as provided in section four, whenever required by a peace officer or by any person who has authority for the purpose, produce his certificate if he has one, and shall answer truthfully all inquiries bearing on the question of his compliance or non-compliance with any provision of this Act.

Production of certificate, and penalty for failing to comply.

(2) Any such man who fails to comply with this section shall, in respect of each failure, be guilty of an offence, and liable on summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding one year.

16. (1) Any person who comes within any of the classes set out in section three, and who contravenes any of the provisions of this Act or of regulations for which contravention no other penalty is herein provided, shall be guilty of an offence, and shall be liable upon summary conviction to a penalty of not less than ten dollars nor more than five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

Contraventions of Act.

(2) Any person who by means of any written or printed communication, publication or article, or by any oral communication or by any public speech or utterance,—

Written or oral advice, etc., to contravene.

- (a) advises or urges that men described in section three shall contravene this Act or regulations; or,
- (b) wilfully resists or impedes, or attempts wilfully to resist or impede, or persuades or induces or attempts to persuade or induce any person or class of persons to resist or impede the operation or enforcement of this Act; or,
- (c) for the purpose of resisting or impeding the enforcement or operation of this Act, persuades or induces or attempts to persuade or induce any person or class of persons to refrain from making applications for Certificates of Exemption or submitting evidence in respect thereof; shall be guilty of an offence, and shall

- Penalty. shall be liable upon indictment or upon summary conviction to imprisonment for a term not less than one year nor more than five years.
- Suppression of publications for contravention. (3) Any newspaper, book, periodical, pamphlet or printed publication containing matter prohibited by subsection two of this section may, whether the printer or publisher thereof be previously convicted or not, be summarily suppressed and further printing or publication thereof and of any future issue of a newspaper or periodical which has contained such matter may be prohibited for any term not exceeding the duration of the present war: Provided no action shall be taken under this subsection or under subsection two of this section without the approval of the Central Appeal Judge.
- Proviso. (4) No conviction in a court of criminal jurisdiction for an offence against this Act, or the regulations made thereunder, shall be had, unless the prosecution has been consented to or approved by the Attorney General of Canada.
- Consent of Attorney General to conviction.
- Expenses. **17.** All expenditure under or for the purposes of this Act shall be paid out of such moneys as Parliament may appropriate for the purpose.

SCHEDULE.

EXCEPTIONS.

1. Men who hold a certificate granted under this Act and in force, other than a certificate of exemption from combatant service only.

2. Members of His Majesty's regular, or reserve, or auxiliary forces, as defined by the *Army Act*.

3. Members of the military forces raised by the Governments of any of His Majesty's **other** dominions or by the Government of India.

4. Men serving in the Royal Navy or in the Royal Marines, or in the Naval Service of Canada, and members of the Canadian Expeditionary Force.

5. Men who have since August 4th, 1914, served in the Military or Naval Forces of Great Britain or her allies in any theatre of actual war and have been honourably discharged therefrom.

6. Clergy, including members of any recognized order of an exclusively religious character, and ministers of all religious denominations existing in Canada at the date of the passing of this Act.

7. Those persons exempted from Military Service by Order in Council of August 13th, 1873, and by Order in Council of December 6th, 1898.*

*Menonites and Doukhabors.

P. C. 510.

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, 2nd day of March, 1918.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Minister of Justice submits the accompanying revision and consolidation of the regulations and forms intended to provide for procedure and other matters which require to be regulated under the provisions of the Military Service Act 1917;

And whereas the said revision and consolidation is recommended for sanction by the Military Service Council, and moreover is recommended by the Central Appeal Judge in so far as it provides with respect to the establishment, constitution, functions and procedure of the local and appeal tribunals and of the Central Appeal Judge, or for securing uniformity in the application of the Act, or prescribes conditions as to the time or otherwise under which applications for certificates may be made, deferred applications received, appeals entered and heard, and re-hearings had, and forms;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and in virtue of the powers vested in His Excellency, whether by the said Military Service Act, the War Measures Act 1914, or otherwise, is pleased to make and enact the following regulations, and the same are hereby made and enacted accordingly, the following orders in council being hereby superseded:—

P.C. 2563, approved 15th September, 1917.

P.C. 2958, approved 19th October, 1917.

P.C. 3118, approved 6th November, 1917.

P.C. 3169, approved 9th November, 1917.

P.C. 3230, approved 19th November, 1917.

P.C. 3231, approved 19th November, 1917.

P.C. 3321, approved 30th November, 1917.

P.C. 3344, approved 3rd December, 1917.

P.C. 33, approved 7th January, 1918.

P.C. 35, approved 7th January, 1918.

P.C. 70, approved 8th January, 1918.

P.C. 111, approved 17th January, 1918.
P.C. 115, approved 17th January, 1918.
P.C. 178, approved, 21st January, 1918.
P.C. 181, approved 26th January, 1918.
P.C. 182, approved 26th January, 1918.
P.C. 195, approved 24th January, 1918.
P.C. 196, approved 26th January, 1918.

RUDOLPHE BOUDREAU,
Clerk of the Privy Council.

MILITARY SERVICE REGULATIONS.

Approved by order of His Excellency the Governor General in Council
on 19th October, 1917.

INTERPRETATION.

1. In or for the purposes of these regulations, and in or for the purposes of any amending or further regulations under the Military Service Act 1917, unless there be something repugnant in the subject matter or context;

Interpretation subject to context.

(a) "application in person" means an application for exemption, not notified to the registrar through the Post Office, but made by a man for himself, or by another on his behalf, by personal appearance before a local tribunal;

"Application in person".

(b) "certificate" means a certificate of exemption;

"Certificate."

(c) "medical board" means a medical board established for the purposes of the Act and of these regulations by authority of the Minister of Militia and Defence;

"Medical board".

(d) "public representative" means any person appointed by a Registrar to represent the public;

"Public representative".

(e) "Minister" means the Minister of Justice;

"Minister".

(f) "prescribed military authority" means the officer commanding the military district, or the general officer commanding the military district, or such other officer or person as may from time to time be designated by the Minister of Militia and Defence for the appropriate purpose under the Act and regulations;

"Prescribed military authority".

(g) "registrar" means the registrar for the province to which the proceeding belongs or relates, appointed under and for the purposes of the Act; or, as the case may be, the deputy registrar for the provincial district having a separate registry to which the proceeding belongs or relates, and for which a deputy is appointed to perform the duties of registrar;

"Registrar".

(h) "the Act" means *The Military Service Act 1917*;

"The Act".

(i) where a period of time is defined by reference to a specified number of clear days, and one or more of such clear days, or the day or days immediately following the last of such clear days, is a Sunday, Good Friday, Christmas Day, or other public holiday, that day or those days shall not be counted;

Clear days.

(j) particulars of the various military districts throughout Canada and of the headquarters of each district are set forth in schedule A;

Military districts.

(k) where any notice is required to be given to the prescribed military authority, and no person is otherwise prescribed or designated to receive that notice,

Notice to prescribed military authority.

such notice may be given the general or other officer, commanding the district at headquarters;

Notices and documents, how sent.

(l) any notice or document required to be given to any tribunal; to the registrar; to any party to a proceeding or other person who has signified his address to the tribunal or to the registrar, may be given by posting the same, pre-paid, unless by law entitled to free transmission, in the case of a local tribunal, to that tribunal; in the case of an appeal tribunal, to the registrar; in the case of the Central Appeal Judge, to the Central Appeal Judge at Ottawa; in the case of the registrar, to the registrar at his proper official address; or in the case of a party or person whose address is signified, to that party or person at his signified address, as the case may be;

When received.

(m) any notice or document sent by registered post shall be deemed to have been received by the addressee on the day of its delivery by the post office ;

Forms.

(n) the forms set out in schedule B may be used, with such adaptations as the circumstances of the case may require, but no application or proceeding shall be rejected or held insufficient, if the purpose of it be apparent, merely because it is not in the prescribed form;

Local tribunals, how addressed.

(o) communications intended for local tribunals and sent by the post should be addressed *Local Exemption Tribunal No.....* (giving the appropriate number of the tribunal) *Sitting at* (giving the name of the place, with street and number if any, at which the office of the tribunal is established;)

Interpretation Act applies.

(p) the provisions of the *Interpretation Act, Revised Statutes of Canada, 1906*, chapter 1 shall apply. *Reg. 1; P.C. 196, par. 1.*

LOCAL TRIBUNALS.

Establishment.

Oath of office.

2. Each member of a local tribunal shall, before entering upon the duties of his office, unless he be a judge, make the following oath or affirmation before a justice of the peace or other officer authorized to administer oaths, and notify the Minister that he has been sworn accordingly:—

I,

of

Form.

having been appointed a member of the Local Tribunal for _____ number (giving the appropriate designation of the local tribunal) under the Military Service Act 1917, do solemnly swear

(or affirm) that I will faithfully and impartially perform the duties devolving upon me as a member of the said Local Tribunal.

SWORN (or solemnly)
affirmed) before me
at
this
day of 1917.]

3. (a) No person belonging to the Canadian Expeditionary Force shall be a member of a local tribunal. Eligibility.

(b) A person shall be ineligible to be a member of a local tribunal if he belongs to any class enumerated by the Act except Class 5 or Class 6 and shall also be ineligible if the class to which he belongs or the class immediately preceding has been called out; provided that no decision given by any tribunal shall be invalid by reason of any member thereof being ineligible to act as such. *Reg. 3, amended.* Idem.

4. Each local tribunal shall sit at a convenient place for the transaction of the business of the tribunal at such place or places as may be required by the registrar. *Reg. 4, amended.* To provide office for transaction of business.

5. When several local tribunals are established in a city, town, or place, the registrar shall, having due regard to the general convenience, designate the particular localities within the city, town or place in which the tribunals so established shall sit for the transaction of business, and assign by their appropriate designations one or more of the tribunals so established to each of the designated localities. *Reg. 4, 5.* Where more than one for same place, registrar to designate localities.

6. The Minister may by proclamation change the place for which any local tribunal is established; and a local tribunal in a city or town may, for reasons of public convenience, if thereunto authorized by the registrar, move its office from one place to another in the city or town. *Reg. 6.* Changing locality of office.

7. The Governor in Council may, for cause established to his satisfaction, on the recommendation of the Central Appeal Judge, remove from office any member of a local tribunal; and the Minister may dis-establish any local tribunal. *Reg. 7.* Removal of members.
Dis-establishment.

8. (a) If there be any local tribunal heretofore established to which the appointment of one or both members has not been made or duly notified to the Minister, the Minister may at any time, by telegraph or otherwise, appoint to that tribunal one or both members, as the case may be. Minister may appoint members of local tribunals in certain cases.

(b) If as to any local tribunal established by the Minister on or after the day upon which these regulations are sanctioned the appointment of one or both of the members of which the tribunal is to consist be not made or duly notified to the Minister by the judge or the Board of Selection, within five days after the tribunal shall have been established, the Minister may at any time after the expiry of the said period of five days, by telegraph, or otherwise, appoint to that tribunal one or both members, as the case may be.

Idem.

(c) If a vacancy occurring in the membership of any local tribunal be not filled by the authority which appointed the member vacating within two days after the vacancy occurs, or if the proper authority appointing a member to fill a vacancy do not on the day of making such appointment notify the Minister thereof, the Minister may himself appoint a member to fill such vacancy. *Reg. 8.*

Idem.

If member absent or disqualified Minister to name substitute.

9. In any case in which a member of a local tribunal does not reside or carry on business at the place at which the sittings of the tribunal are required to be held, or if, at any time a member of the tribunal fails to attend the sittings thereof and it appears that by such failure the proceedings of the tribunal may be embarrassed, or if, in any particular case or number of cases, a member of the local tribunal be disqualified by interest or kinship to one of the parties, the Minister may appoint a member of the tribunal to act in the place of the member so absent or disqualified, during the period of his absence, or for the particular case or cases in which he is disqualified; provided that the Minister may at any time appoint substitute members of a tribunal to stand by to fill the places of members who may at any time for such reasons as aforesaid be prevented from attending or taking part. Nothing in this regulation shall affect the liability of any member of a local tribunal to any penalty he may incur for his failure to act as such. *Reg. 9, amended.*

THE POSTING OF PROCLAMATIONS.

10. It shall be the duty of the postmasters, the sheriffs, the clerks of the peace, and the clerks or other proper officers of the municipalities throughout Canada, to cause to be posted and kept posted in prominent places in their offices and in other public places throughout their districts, sheriff-wicks or municipalities, as may be directed by the Minister, copies of any proclamation which may be issued by the Governor in Council calling out any class or sub-class of men on active service under the provisions of the Act, and as well copies of any order, notice or announcement relating

Postmasters, sheriffs and municipal officers to post.

to military service issued by the authority of the Governor in Council or the Minister. *Reg. 10.*

DECLARATION OF ALIENAGE.

11. Notwithstanding anything contained in the Naturalization Act, Revised Statutes of Canada, 1906, chapter 77, or the Naturalization Act, 1914, it shall not be competent to any male person to make a declaration of alienage during the war, and no male British subject shall be allowed to expatriate himself during the war; provided that nothing in this regulation shall prejudice or affect any right conceded or stipulated for by convention between His Majesty's Government and that of the foreign country of which the person affected was a national immediately before he became a British subject. *P. C. 3118.*

No declarations of alienage during war.

EXEMPTION OF DISFRANCHISED BRITISH SUBJECTS.

12. Any British subject who, under the laws in force from time to time is disqualified from voting at a Dominion election, otherwise than under section 67 of the Dominion Elections Act, R.S.C. 1906, or section 6 of the War-time Elections Act, 7-8 George V, chapter 39, shall be entitled to exemption from combatant military or naval service, unless he has in fact voted at a Dominion election although at the time disqualified from so doing. *P. C. 111.*

PUBLIC REPRESENTATIVES.

13. Registrars shall be deemed to be authorized by the Minister of Militia and Defence to exercise the right of appeal conferred by section 10, Subsection 1 of the Military Service Act and to appoint persons to act as public representatives for each local or appeal tribunal. Each registrar shall appoint a person who shall be the chief public representative for his district. *P. C. 196, par. 1.*

Procedure.

14. It shall be competent to the Governor in Council, on the recommendation of the Central Appeal Judge, to fix or prescribe by the proclamation mentioned in sections 4 and 11 of the Act, or by separate proclamations which may be issued for different provinces, different dates before which reports for service and applications for exemption may be made within different provinces, territories, districts or areas. Moreover the Governor in Council may, on the like recommendation, as to any province, district or territory, reasonably extend any of the times limited by any

Times limited by proclamation may be varied for localities, and extended.

such proclamation, as may be deemed advisable in order to provide for its special situation or circumstances. *Reg. 12.*

Exemption,
who may
apply for.

15. Applications for exemption may be made, either by the man himself, or, on his behalf, by his employer, by any person associated with him in business, or by a near relative. *Reg. 13.*

Indians
exemptions.

16. Any Indian agent may make or transmit application for the exemption of any Indian attached to the Reserve over which such agent has jurisdiction and it shall not be necessary for the Registrar to assign to a local tribunal any application made or transmitted by an Indian agent on behalf of an Indian, but the Registrar shall forthwith issue to such Indian and transmit to the Indian Agent for delivery to him a certificate of exemption from combatant military service. In the event of any man thus exempted from combatant military service being hereafter called upon to perform any military duty he may then put forward any claim for exemption even from non-combatant service which he may then have. *P. C. 111, par. 2.*

Not necessary
to assign
certain
claims to
tribunals.

17. Unless a man's occupation and experience are such as to make it desirable to call upon him for special service it shall not be necessary to assign to a local tribunal the claim for exemption of any man who has been examined by a military medical board and placed in a category lower than "A," but the registrar may issue to any such man a certificate of exemption until the services of men in his medical category are required.

Reports and
applications
for exemption,
how sub-
mitted.

18. Reports for military service and applications for exemption from service may be submitted, within the time limited therefor by the calling out proclamation, in the prescribed forms, through the post offices, or applications for exemption may be made by personal appearance before a local tribunal on the days appointed therefor by the proclamation; and reports or applications submitted through the post office shall be forwarded by the postmaster to the registrar, who shall proceed thereupon in the manner directed by these regulations and the Minister's general instructions governing the execution of the registrar's duties. *Req. 14.*

Minister may
enlarge time.

19. The Minister may, with the approval of the Central Appeal Judge, enlarge generally, or in a particular case or class of cases, or in respect of any tribunal, any of the times

limited by proclamation or by these regulations for any act or proceeding required or authorized to be done or had. *Reg. 15.*

20. On and after the expiration of the period limited by proclamation for making applications for exemption, each local tribunal shall sit at such times and places as it may be required by the Registrar to sit for the purpose of the speedy despatch of such applications as may be assigned to it. *Reg. 17, amended.*

Idem.

May sit in different places.

21. Applications for exemption shall, so far as convenient, be heard and determined in the order in which they are notified for hearing by the registrar. *Reg. 18.*

Order of hearing applications.

22. Local tribunals shall comply with such general instructions as may be issued by the Minister with respect to the order in which different grounds urged for exemption shall be considered, with respect to exemption on the ground of a man's physical condition and with respect to the time within which a decision must be given upon any application relating to an exemption. *Reg. 20, amended.*

Grounds to be heard in order instructed by Minister.

23. It shall be the duty of the local tribunals to preserve carefully in their own custody all the original lists or schedules of applications or cases sent or notified to them by the registrars for hearing, with the original notes or entries of the tribunals thereon. *Reg. 21.*

Original schedules to be preserved.

24. A local tribunal may, in any particular case, having regard to the public convenience, or to the interest of the parties or of any other person concerned, direct that an application, or any part thereof, or any proceeding thereon, shall be heard in private; and it may exclude the parties and the public at any time during or after the hearing of an application for the purpose of conferring upon any question affecting its decision. *Reg. 22.*

Public may be excluded from hearings.

25. Questions before a local tribunal shall be decided by the unanimous vote of the members of the tribunal; and, if they cannot agree upon a decision, they shall forthwith state in writing a case to be decided, and cause the same to be sent to the registrar for submission to an appeal tribunal. *Reg. 23.*

Members must be unanimous, or state case.

Or each member must state his own case.

26. If the members of a local tribunal cannot agree in stating a case, each member shall state a case in writing from his point of view, and shall forward the same to the registrar. *Reg. 24.*

Changes of address to be notified.

27. Every person on whose behalf an application for exemption has been made, every person who has been granted exemption, every person who has reported for service and every person on whose behalf exemption has been asked and to whom exemption has been refused shall give notice in writing of every change in his post office address to the registrar in whose office the proceedings with regard to him are at the time on record and every such notice shall contain his serial number or such other particulars as may be necessary to identify him: The address last notified to the appropriate registrar shall be deemed to be the signified and proper address of every person who is required to notify his address to the Registrar. *P. C. 115, par. 8.*

Papers may be delivered at office of tribunal.

28. Notices, cases or applications in writing required to be given or submitted to a local tribunal, if not sent in the manner hereinbefore prescribed, may be delivered at the office of the tribunal at the place where the same is established. *Reg. 26.*

One public representative may appear.

29. A public representative, but not more than one at the same time, may appear as a party to each application heard by a local tribunal. *Reg. 27: P.C. 196, par. 2.*

Application in person on ground of business, &c., where to be heard.

30. (a) A man shall not make application in person for exemption on his own behalf, upon any of the grounds enumerated in paragraph (a), (b), (c) or (d) of subsection 1 of section 11 of the Act, to any local tribunal, other than one established at or in the vicinity of the place of his business, employment, education or training.

If made by employer.

(b) An employer shall not make application in person in respect of a man in his employment to a local tribunal elsewhere than in the locality or district where the man is employed. *Reg. 28.*

Registrar may transfer applications generally.

31. If, for any reason, the local tribunal to which an application is assigned is, in the opinion of that tribunal, not the appropriate one, it may, instead of disposing of the application, report the circumstances to the registrar, and the registrar may transfer the application to be heard to the local tribunal which is in his opinion, having regard to the facts reported, the appropriate one for hearing the case, and he shall notify the applicant accordingly. *Reg. 30.*

32. If an application be transferred, the tribunal from which it is transferred shall forward by post or cause to be delivered all papers connected therewith to the registrar, who shall notify the applicant of the time and place for the hearing of his application by the tribunal to which the same is transferred. *Reg. 31.*

Disposition of papers and provision for notice in case of transferred applications.

33. An application by one person on behalf of another shall not, nor shall any subsequent proceeding thereon, preclude an application, or any subsequent proceeding thereon, by the man on his own behalf, whether on the same or on other grounds. *Reg. 32.*

Man may apply in his own behalf although another has applied for him.

34. Except as herein specially provided an application shall not be made by or in respect of a man to more than one local tribunal, unless by the written leave of the Minister first obtained. *Reg. 33.*

Application to one tribunal only unless by leave of minister.

35. A local tribunal may postpone or adjourn the hearing of any application for a period not exceeding seven days or such longer period as may be permitted by the registrar and may require the applicant to furnish further information, particulars or evidence on oath or otherwise, as the tribunal may in its discretion deem necessary for a just and proper decision. *Reg. 34, amended.*

Powers of tribunal to postpone, order particulars, etc.

36. (a) An applicant should, if possible or convenient, submit his case for the determination of a local tribunal in writing, and he may do so by letter or statement without any affidavit or formality; but the tribunal may for the purpose of ascertaining the facts, hear such witnesses orally, and on oath or otherwise, as it thinks fit. The tribunal shall make or cause to be made a sufficient memorandum in writing of any oral testimony given before it and shall transmit such memorandum to the Registrar with its decision.

Cases should be submitted in writing.

But oral testimony may be given.

(b) No counsel, advocate or solicitor shall be heard upon any application, unless he be an applicant; provided that, if the applicant be unable from illness or other disability to attend personally, or if the tribunal for special reason think it just and desirable, the applicant may be represented by an agent; and moreover, in any case, an applicant may be attended, upon the hearing of his application, by a friend who shall have the same right to be present as the applicant himself, and full liberty to communicate with the applicant

No counsel.

Agent.

Friend may attend with applicant.

throughout the proceedings, but the friend may not address the tribunal.

Examination
of witnesses.

(c) Any party to an application, or his agent, and the public representative, may put relevant questions to any party to the application or to any witness, and may prove any facts relevant to the application.

No strict
rules of
evidence.

(d) A local tribunal may admit and accept such evidence as it thinks fit, whether admissible in a court of law or not. *Reg. 35, amended.*

Cases to be
submitted
within time
limited.

37. (a) It shall be compulsory upon a person applying for exemption to transmit to the tribunal a statement of the facts in support of his application before the day notified by the registrar for the hearing thereof, or to present the facts to the tribunal upon that day, and if he fail to transmit or present the evidence accordingly his application may without further notice be refused; provided that a local tribunal may allow such extension of time, or other accommodation for the hearing of an application, as the special circumstances of any particular case may require, but no such extension of time shall exceed seven days unless the special permission of the Registrar has been obtained.

Extension.

Application
may be
disallowed
for default.

(b) Any original application for exemption as to which the facts relied upon by the applicant are not presented to the local tribunal on or before a day which shall be fixed by regulation, shall on that account be refused by the local tribunal; provided that an application which has been therefore refused may nevertheless be heard by an appeal tribunal by leave of that tribunal, which may be obtained by the applicant upon cause shown to the satisfaction of the appeal tribunal.

Powers of
appeal
tribunal.

No extension
for man
enrolled
unless
Minister
consent.

(c) No tribunal shall grant any extension of time for submitting the facts upon which the applicant relies for exemption so as to enable an application to be made by or on behalf of a man after he has been placed on active military service, unless by the written consent of the Minister first obtained. *Reg. 37, amended.*

Notice of
decision.

38. Notice of the decision of a local tribunal upon an application shall be forthwith communicated by the tribunal to the registrar in writing in the prescribed form. *Reg. 39, amended.*

Daily returns
to registrar.

39. Every local tribunal shall make on each day upon which it sits a return to the registrar showing how each case considered by the tribunal on that day has been dealt with, and whether partly heard, adjourned or disposed of; and to this return shall be attached all papers relating to the applications which have been disposed of on that day. *Reg. 40, part.*

40. Certificates of exemption and any renewals thereof shall be issued not by the tribunals, but by the registrar in accordance with the decisions of the tribunals; but the tribunals in determining applications and in recording their decisions shall specify in each case whether the application is allowed or refused and shall answer any questions or give any information required by the registrar or contained in or called for by any prescribed form. *Reg. 41, amended.*

Certificates to be issued by registrar. Conditions to be specified.

41. A certificate may be qualified or conditional as to time or otherwise and shall follow the authorized form most nearly corresponding to the decision of the tribunal. If the tribunal fails to name a day for the termination of the exemption the registrar may fix such day in his discretion. *Reg. 42, amended.*

May be qualified, conditional, etc.

42. Any exemption on the ground that it is expedient in the national interest that the education or training of the man concerned should continue shall be subject to the condition, whether expressed in the certificate or not, that the man to whom the exemption is granted shall undergo such military exercises and training as may, with the approval of the head of the institution at which such education or training is proceeding, be directed by the officer commanding the military district in which such institution is situated. *Reg. 44.*

Provision for military training in connection with exemptions.

43. If an applicant for exemption be, to the knowledge of the local tribunal before which his case comes to be heard, permanently unfit for any military service by reason of complete and apparent physical incapacity or mental unsoundness, the tribunal may grant exemption on the ground of ill health or infirmity. *Reg. 46.*

If applicant be known to be unfit.

44. If a claim for exemption has been refused or refused subject to medical examination or allowed on the ground of ill health or infirmity and the registrar or the man concerned is dissatisfied with the decision of any medical board (except the Medical Board of Review) or of the tribunal, the registrar may, and shall at the request of the man concerned, cause the man to be examined by the Medical Board of Review and the decision of the tribunal shall for the purpose of an appeal be deemed to have been notified to the applicant or the public representative when he is given notice of the decision of the Medical Board of Review. *New.*

Right to
renew applica-
tion if exemp-
tion granted
on physical
grounds.

45. If a claim for exemption be made in respect of any man on any ground other than his physical condition, and the man be exempted from service by reason of his physical condition, the applicant shall have the right, if the man's services should be thereafter required for military duty, to urge such other ground of exemption, whether or not it were considered in the first instance by the tribunal. *New.*

Lost
certificate
may be
replaced.

46. If a certificate be lost, destroyed or defaced, the registrar who issued the certificate shall, upon the application of the man to whom it was granted, and upon payment of a fee of fifty cents, issue to him a duplicate of his certificate. *Reg. 54.*

Both
members to
sign.

47. All decisions, notices or other papers required to be issued or signed by a local tribunal, shall be signed by both members of the tribunal. *Reg. 55.*

Municipal
officers to
furnish voters
lists etc.

48. Every clerk of the peace, and every clerk or other proper officer of a municipality, shall, on request, furnish to any local tribunal established therein, a copy of the last revised voters' list of the county, district or municipal division for which he is such clerk or proper officer, and such information as to the names and addresses of men of military age within the class or sub-class called out, who are resident in the municipality, and whose names do not appear on the voters' list, as may be in his possession or knowledge. *Reg. 56.*

Medical Board of Review.

49. There may be constituted in each military district a Medical Board of Review consisting of three qualified physicians or surgeons approved by the Central Appeal Judge. Any approval given of any person as a member of any medical board of review may be withdrawn at any time. *P.C. 178, par. 1.*

50. Where any doubt arises as to the fitness for military service of any man on whose behalf exemption is claimed on the ground of ill health or infirmity, the local or appeal tribunal before whom the claim is made, shall, if the man has already been examined by a military medical board, and may, if he has not been so examined, cause the case to be referred to the Medical Board of Review for the military district (if any) and the Registrar may at any time refer to such Board the case of any man who has been granted exemption from military service. The decision of such Board shall, subject to appeal to the Central Appeal

Judge, be final and the claim for exemption shall be granted or refused by any local or appeal tribunal in accordance therewith, but on an appeal to the Central Appeal Judge he may direct such further medical examination as may seem expedient. *P.C. 178, pars. 2 and 3.*

Appeals from Local Tribunals.

51. Any person by whom the application for exemption might have been made, may appeal to an appeal tribunal, by giving to the registrar notice in writing of his desire to appeal, by letter or otherwise in an informal manner, not later than ten clear days after the date on which notice of the decision of the tribunal was received by the applicant, as the case may be; or within such extended time as, for good reason shown, the appeal tribunal may allow; provided that an appeal shall not lie after the expiry of twenty days after the date of the decision, unless satisfactory reasons for the delay be specified in the notice. If such satisfactory reasons are given and the appeal is allowed to proceed notwithstanding the expiry of the time hereinbefore limited, the man concerned shall nevertheless perform and continue to perform pending the disposition of the appeal, any military duty for which he may have been warned or which he may have been ordered to perform. *Reg. 57, amended; P.C. 195.*

Notice to registrar who shall notify parties.

APPEAL TRIBUNALS.

Procedure.

52. Where appeal procedure is not hereinafter specially provided, the regulations relating to procedure of local tribunals shall, in so far as applicable, unless there be something repugnant in the subject matter or context, apply to appeal tribunals, with the substitution of "appeal tribunal" for "local tribunal," of "appeal" for "application" and of "appellant" for "applicant", and subject to such other adaptations as may be necessary, or as may be prescribed; provided, however, that an appeal tribunal may in its discretion hear counsel. *Reg. 60.*

Procedure of local tribunals to apply.

53. It shall be the duty of the appeal tribunals, and of the Central Appeal Judge, to hear and determine as speedily as possible all appeals which come before them under the provisions of the Act or the Regulations, and the hearing and determination of such appeals shall have precedence

Appeals have precedence over other business.

over any other business which may be pending or which may come before the judges constituting the appeal tribunals or the Central Appeal Judge in the ordinary course of their judicial duties in the courts to which they respectively belong. *P.C. 3344, par. 1.*

Appeals
to be
determined
within 7
days.

54. Every appeal to an appeal tribunal shall be determined within a period not exceeding seven days after the date upon which the hearing of the appeal is concluded. At least five clear days before the date fixed for the hearing of an appeal, the registrar shall, if the facts are in dispute or if for any other reason it is desirable to do so, send to the appellant, and to the other party to the appeal, notice in writing of the date and place fixed for the hearing of the appeal. *See Reg. 61 and P.C. 3344, par. 2.*

Certificate,
how dealt
with.

55. Upon any appeal respecting a certificate, it shall be competent to the appeal tribunal to direct that the certificate shall be granted, renewed, varied or withdrawn. *Reg. 62.*

Notice of
decision.

56. The decision of an appeal tribunal upon an appeal shall be forthwith communicated in writing by the appeal tribunal to the registrar, who shall immediately give written notice thereof to the appellant and to the other party to the case. *Reg. 63.*

Stated case.

57. The decision of an appeal tribunal upon a stated case shall forthwith be communicated by the registrar to the local tribunal which submitted the case. *Reg. 64.*

May be
determined
or reheard.

58. Stated cases shall be determined by an appeal tribunal, or the appeal tribunal, if unable to give a decision upon the material before it, may rehear the application; but, if a rehearing be directed, the registrar shall give to the parties interested in the application five clear days' notice of the time and place of the rehearing. *Reg. 65.*

Notes of
testimony

59. If upon any hearing before an appeal tribunal oral testimony be given, the tribunal shall take and preserve notes in writing of that testimony. *Reg. 66.*

ESTABLISHMENT OF ADDITIONAL APPEAL TRIBUNALS.

Additional
appeal
Tribunal.

60. The Governor in Council may from time to time, by proclamation or otherwise, establish, for such provinces and at such places as he deems necessary, appeal tribunals additional to those provided for by Section 7 of the Act, and may provide for the distribution and assignment to each such additional appeal tribunal, in such manner as

may to him appeal just or requisite, of all such appeals and cases stated by local tribunals as may in his opinion seem necessary or expedient and whether the same have or have not been theretofore distributed or assigned to any other appeal tribunal by the Chief Justice, or judge designated to act in his place; and the appeal tribunals so constituted by the Governor in Council shall have and may exercise all the authority, powers and jurisdiction by the Act, or the regulations conferred upon or vested in the appeal tribunals constituted by the Act. *P. C. 33, par. 1.*

61. Appeal tribunals constituted by the Governor in Council shall consist each of one member, who shall be appointed by the Governor in Council, and any person may be appointed who is a barrister or advocate of at least five years standing at the bar of any of the provinces. *P. C. 33, par. 2.*

Constitution of.

62. It shall be the duty of any person who is appointed by the Governor in Council to be a member of an appeal tribunal diligently to perform his duties as such member so long as he shall continue to hold the said office. *P. C. 33, par. 3.*

Member appointed must act.

THE CENTRAL APPEAL JUDGE.

Procedure.

63. The Central Appeal Judge may appoint a clerk who, subject to his direction, shall have charge of the office of the Judge and the records and papers thereunto belonging; and the clerk shall also perform such other ministerial duties in connection with the business of the Central Appeal Judge as the latter may from time to time direct. *Reg. 67.*

Clerk.

64. The Central Appeal Judge shall have, for the performance of his duties, not only all the powers vested in a commissioner under Part I of the *Inquiries Act*, but also all the powers which by the provisions of an *Act to amend the Inquiries Act*, 2 George V, chapter 28, may be conferred upon commissioners appointed under the former Act by the commission issued in the case and any person engaged by him under Section I of the latter Act shall have all the powers which might be conferred upon him by Order-in-Council. *Reg. 68, amended.*

Powers of Central Appeal Judge

65. An appeal shall not lie from the decision of an appeal tribunal, unless by leave of that tribunal, or of the Central Appeal Judge. *Reg. 69.*

No appeal unless by leave.

66. Any person by whom the application for exemption might have been made, and who desires to appeal from the decision of an appeal tribunal, or the public repre-

Notice of appeal, how to operate.

sentative, may give to the registrar a notice in writing of his desire to appeal, by letter or otherwise in an informal manner; and such notice shall operate as an application for leave to appeal, and also as a notice of appeal in the case, if the appeal tribunal or the Central Appeal Judge grant leave to appeal; provided that any party or his agent who is present when the decision of an appeal tribunal is given may apply forthwith for leave to appeal to the Central Appeal Judge. *Reg. 70, amended.*

Three clear
days.

67. If the appeal is taken by any person by whom the application for exemption might have been made, the notice provided for in the last preceding regulation shall be given within three clear days after the date when the applicant receives notice of the decision in the manner herein prescribed, and in any event within twenty days after the date upon which the notice of the decision was posted; provided that for good reasons shown the appeal tribunal or the Central Appeal Judge may extend the time but no extension of such time or leave to appeal pursuant thereto shall affect the liability to report for or to perform any military duty which the man concerned may have been warned or ordered to perform before notice of the grant of such extension of time or leave of appeal has been received by the Registrar or other person by whom the warning is issued or order given. *Reg. 71; P. C. 182.*

Central
Appeal Judge
may extend.

May grant
leave.

68. If the appeal tribunal refuse to grant leave to appeal, the application may nevertheless be renewed before the Central Appeal Judge by giving notice to the registrar. *Reg. 72.*

Applications
to be prompt.

69. Applications to the Central Appeal Judge for leave to appeal should be made as promptly as circumstances will allow. *Reg. 73.*

Papers to be
sent to
Central
Appeal Judge.

70. If leave to appeal be given by the appeal tribunal, or if leave be refused and notice of renewal of the application before the Central Appeal Judge be given, the notice of appeal, if any, and a memorandum stating that leave to appeal has been granted and the grounds upon which the leave was granted, or, as the case may be, that leave to appeal has been refused, and the notice renewing the application for leave to appeal before the Central Appeal Judge, if any, shall be sent forthwith by the registrar to the Central Appeal Judge, together with a statement by the appeal tribunal of the reasons for its decision in the case, and the other papers connected with the matter including the notes of any evidence given orally. *Reg. 74.*

71. Notice of the allowance or of the rejection of an application for leave to appeal shall be promptly given to the registrar by the appeal tribunal, or the Central Appeal Judge, as the case may be; and the registrar shall if necessary immediately notify the parties affected by the decision. *Reg. 75, amended.*

Notice of allowance or rejection.

72. The Central Appeal Judge shall promptly notify the registrar of his decision in any case heard by him, and it shall be the duty of the registrar immediately to notify the parties. *Reg. 76.*

Notice of decision.

DIRECT APPEALS TO CENTRAL APPEAL JUDGE.

73. An appeal shall lie in any case or class or group of cases determined by any local tribunal direct from the local tribunal to the Central Appeal Judge by leave of the Central Appeal Judge (which may be granted upon *ex parte* application) if the Minister certify that it is in his opinion desirable in the public interest that an appeal direct to the Central Appeal Judge should be permitted. *P.C. 3321, par. 1.*

Direct appeal—how authorized.

74. When the certificate of the Minister has been obtained, the appellant shall immediately give notice of appeal in the ordinary manner to the registrar, and the registrar shall forthwith notify the parties to the appeal of the time and place fixed for consideration, and shall at the same time transmit to the Central Appeal Judge all the papers connected with the matter including the notes of any evidence given orally. *P.C. 3321, par. 2.*

Notice, how given.

75. The Central Appeal Judge shall thereupon proceed at the time and place so fixed or as promptly as may be thereafter, to consider the application, and if granted he may at the same time consider and determine the merits of the case or cases. *P.C. 3321, par. 3.*

Consideration of direct appeal.

APPLICATIONS FOR RENEWAL VARIATION OR WITHDRAWAL.

76. An application for the renewal of a certificate shall be made by sending notice of such application to the registrar who issued the certificate, before the date on which the certificate ceases to be in force; and the application shall be dealt with in the same manner as an application for exemption. *Reg. 49.*

Applications for renewal of certificate.

Withdrawal
or variation.

77. Any person authorized to apply for exemption or the public representative, may at any time apply, by giving notice to the registrar, for the renewal, withdrawal or variation thereof. *Reg. 50, amended.*

Powers and
procedure of
Tribunal.

78. The Registrar may at any time assign to a tribunal for review the case of any person to whom exemption has been granted and it shall be the duty of such tribunal to make such inquiry and report as may be required and to decide whether or not such exemption should be varied or withdrawn. *P.C. 115, par. 3.*

79. Any such case may be so assigned by the registrar to any local tribunal or to an appeal tribunal or the Central Appeal Judge whether or not the case has theretofore been considered by some other local tribunal and whether or not the decision to be reviewed has or has not theretofore been appealed to an appeal tribunal or to the Central Appeal Judge. *New.*

Registrar
may assign
exemptions
for review.

80. On such application the tribunal may renew, vary or withdraw the certificate without hearing the parties and if, in the opinion of the tribunal the facts are not in dispute, the application shall be thus dealt with unless the tribunal is of the opinion that on further inquiry the facts would be found to be otherwise than they appear to be from the information submitted to the tribunal. *Reg. 51, amended.*

Appeal
shall lie.

81. An appeal shall lie from the decision of a tribunal on any application for the renewal, variation or withdrawal of a certificate of exemption in the same way and subject to the same conditions as an appeal from the decision of such tribunal on an original claim for exemption. *P.C. 115, par. 4.*

Transfer of
application.

82. If a man in respect of whom application for exemption has been made in the province in which he ordinarily resides shall subsequently change his ordinary place of residence to another province or to another registry district, the registrar may, in the event of an application being afterwards made for the rehearing of the application, or for the renewal, variation or withdrawal of the man's certificate, if satisfied that the man has in fact so changed his residence, and that the application may be more conveniently heard and determined in the province or registry district in which the man then resides, transfer the application, and all papers connected therewith, to the registrar for the latter district, and the registrar for that district shall thereupon select a tribunal, local or appeal, as the case may be, for the hearing of the application, and notify the parties accordingly and the tribunal so selected shall have the same powers for

rehearing, or for directing the renewal, variation or withdrawal of the certificate, as were possessed by the tribunal before which the case was originally heard. *P.C. 70.*

REFERENCES TO THE CENTRAL APPEAL JUDGE.

83. The Minister may from time to time refer to the Central Appeal Judge for determination, any question, whether of interpretation, of administration, or of procedure affecting the tribunals, which may arise under the provisions of the Act or regulations; and any such question may be referred, whether it be of general or particular application, and whether or not it arise for decision before a local or an appeal tribunal. The determination of the Central Appeal Judge upon any such reference shall be notified by the Minister to the registrars, who shall in turn notify the same to the local and appeal tribunals; and the local and appeal tribunals shall be bound by such determination in all applications and appeals which may thereafter come before them respectively. *Reg. 80.*

Questions may be referred.

Decision to be binding generally.

EXPIRY OF CERTIFICATES.

84. Certificates of exemption limited as to time shall exempt only within the time limited by the certificate; but certificates of exemption depending upon conditions or circumstances which may endure for an indefinite time shall continue to exempt for a period of thirty days after such conditions or circumstances shall have ceased to operate. *Reg. 81.*

Duration of Exemption under time and conditional certificates.

DELEGATION OF POWERS.

85. Any act not of a judicial nature required to be done by an appeal tribunal, or by the Central Appeal Judge, and any notice required or directed to be given by either of such tribunals, shall be valid if done or given by a person duly authorized by such tribunals respectively. *Reg. 82.*

Ministerial acts may be deputed.

REGISTRARS—THEIR POWERS AND DUTIES.

86. There shall be a registrar for the province of Ontario, whose office shall be at Toronto, and who shall exclusively discharge the duties of registrar for that part of the province which is within military district number two.

Toronto.

There shall be a deputy registrar for that portion of the province of Ontario which is within military district number one, whose office shall be at London, and who shall discharge the duties of registrar for the said district.

London.

- Kingston. There shall be a deputy registrar for that portion of the province of Ontario which is within military district number three, whose office shall be at Kingston, and who shall discharge the duties of registrar for that portion of the province last aforesaid.
- Montreal. There shall be a registrar for the province of Quebec, whose office shall be at Montreal, and who shall exclusively discharge the duties of registrar for that part of the province which is within military district number four.
- Quebec. There shall be a deputy registrar for that portion of the province of Quebec which is within military district number five, whose office shall be at Quebec, and who shall discharge the duties of registrar for the said district.
- Hull. There shall be a deputy registrar for that portion of the province of Quebec which is within military district number three, whose office shall be at Hull, and who shall discharge the duties of registrar for that portion of the province last aforesaid.
- Halifax. There shall be a registrar for the province of Nova Scotia, whose office shall be at Halifax.
- St. John. There shall be a registrar for the province of New Brunswick, whose office shall be at St. John.
- Winnipeg. There shall be a registrar for the province of Manitoba, whose office shall be at Winnipeg and who shall also act as registrar for that portion of the province of Ontario which is within military district number ten.
- Vancouver. There shall be a registrar for the province of British Columbia, whose office shall be at Vancouver.
- Charlottetown. There shall be a registrar for the province of Prince Edward Island, whose office shall be at Charlottetown.
- Regina. There shall be a registrar for the province of Saskatchewan, whose office shall be at Regina.
- Calgary. There shall be a registrar for the province of Alberta, whose office shall be at Calgary.
- Dawson City. There shall be a registrar for the Yukon Territory, whose office shall be at Dawson City. *Reg. 83.*

Duties of
Registrar.

87. It shall be the duty of registrars, in addition to the other duties required of them by the Act or these regulations, to receive reports for service and claims for exemption transmitted to them through the post; properly to record and schedule them for the appropriate medical boards and local tribunals; to notify the men concerned of the times and places for their medical examinations; to notify applicants for exemption of the times and places of the hearing of their claims, whether by the local tribunals or upon appeal; to record such reports from medical boards and tribunals as they may receive; to prepare lists of men available for military duty; to notify the men to report themselves for military duty in the order and

at such times and places as may be determined, and to issue certificates of exemption to men entitled to receive them. In the performance of these duties, registrars will conform to such general instructions as may from time to time be issued to them by the Minister. *Reg. 84.*

88. It shall be the duty of registrars and public representatives to guard the national interest in connection with the production of food stuffs and otherwise and to cause appeals to be entered from the decisions of tribunals in proper cases *P.C. 196, par. 3, amended.*

Right to guard interest of public.

89. If, after an order to report for duty has been issued to any man, it appears that the facts are such that if they had been known before such order was issued, an appeal from the decision of the tribunal should have been lodged, the registrar shall notify such facts to the general or other officer commanding the military district, who shall cause inquiry to be made and shall advise the registrar of the result of such inquiry and whether or not leave of absence without pay has been granted to the man concerned. *P.C. 196, par. 4.*

Duty to notify G.O.C. in certain cases.

90. The registrars shall, moreover, perform any and all other duties which may from time to time be required of them by the Minister, by the Central Appeal Judge, or other duly constituted authority, and generally render such other services not herein specifically required of them, as will conduce to facilitate or expedite the prompt and effective discharge and execution of the duties and powers of the tribunals in the carrying out and enforcement of the Act and these regulations. *Reg. 85.*

Further duties.

91. Each registrar may appoint a sufficient number of deputies and assistants to enable him efficiently to carry out the duties imposed upon him by the Act and these regulations. *Reg. 86.*

Deputies and assistants.

QUESTIONAIRES.

92. It shall be the duty of every person to answer, in writing or otherwise, as required, all such questions as he may from time to time be asked to answer by the registrar or by any peace officer with regard to the exemption of any person or with regard to the grounds upon which any exemption is asked or might be or has been granted. *P.C. 115, par. 1.*

Questions to be answered.

93. In the event of the Registrar sending by post to any exempted man questions to be answered by him or by any person said to be a dependent of his, answers to such questions shall be delivered or posted by registered mail to the Registrar by whom the same were despatched within three days, in the case of the exempted man, or within seven days, in the case of a dependent, from the delivery of the registered letter containing such questions to the address last given to the registrar as the address at which notices addressed to such exempted person are to be sent, and in default of answers being so delivered or posted any exemption granted such man may be forthwith withdrawn by the appropriate tribunal. *P.C. 115, par. 2.*

DUTIES OF EMPLOYERS.

Employer to
make
inquiries.

94. (a) It shall be the duty of every person who is an employer to make inquiries forthwith after the issue of any proclamation calling out men for military service under the Act whether any, and, if any, which of his employees are within the class or sub-class called out by such proclamation; and, forthwith after the expiry of the time limited by the proclamation for reporting for service or claiming exemption, to inquire and ascertain whether there are any, and if any, which of the men in his employ so called out who have failed to report or apply for exemption from service, or in respect of whom an application for exemption from service has not been made.

Employees
to answer.

(b) It shall be the duty of every employee to answer any questions that shall be put to him by his employer, and to give any information which his employer may require of him for the purpose of enabling the employer to comply with the duty imposed upon him by this section.

Report to
Minister.

(c) Every employer shall, forthwith after the expiry of the time so limited by any such proclamation, report to the Minister, according to the best of his knowledge, information and belief, the names and addresses and the whereabouts at the time of all employees in his service called out by any such proclamation who have failed to report or apply for exemption from service. *Reg. 93.*

Employers
to answer
questions.

95. It shall be the duty of every employer to furnish to every person in his employ on whose behalf exemption has been asked or granted from time to time, upon the request of such person or of the registrar, a certificate setting out the particulars of the nature and amount of work done by such person and of the facts, if any, which in the opinion of such employer require that such person should continue to be exempted. *P.C. 181, par. 1.*

96. It shall be the duty of every employer to furnish to the registrar from time to time, upon request, a list of the persons in his employ who have been called out for service under the Act, with the home addresses of such persons when known. *P.C. 181, par. 2.*

To furnish lists.

97. It shall be the duty of every employer to keep copies of such list and to produce the same upon request by any peace officer or other person having authority in that behalf, and in the event of any employer having more than one establishment or occupying several premises, separate lists shall be kept on each of such several premises or at each such establishment containing the names of the persons who have been called out for service under the Act and are employed by him on such premises or at such establishment and to produce such list when required as aforesaid. *P.C. 181, par. 3.*

To keep copies of lists.

98. It shall be the duty of every employer who has in his employ any person who has applied for or who has been granted exemption from military service to notify to the appropriate registrar, by separate notice in each case, the name of every such person who leaves his employ, and such notice shall be delivered or sent to the registrar within three days after such person leaves such employ and shall contain any information the employer then has with regard to the movements of the person concerned. *P.C. 181, par. 4.*

To give notice of leaving.

FRANKING PRIVILEGE.

99. (a) All letters and other mailable matter addressed to a registrar or deputy registrar, at his office, and relating to the business there carried on by the registrar or deputy registrar, shall be free of Canada postage, and all letters and other mailable matter sent by a provincial registrar or deputy registrar from his office to any person in Canada, and relating to the business carried on by the registrar or deputy registrar at his office, shall likewise be free of Canada postage, if duly franked by the registrar or deputy registrar; and any letter or other mailable matter shall be deemed to be duly franked if the registrar or the deputy registrar write his name thereon with his own hand, or if he cause to be impressed thereon, by means of a stamp, a facsimile of his signature.

Registrar may frank official correspondence.

(b) If a registrar or deputy registrar provide a stamp for franking purposes he shall see that no more than one such stamp is authorized for use at the same time; and moreover if he depute authority to use the stamp, such authority may be deputed only to one trustworthy officer or clerk employed at the registry, whose duty it shall be to

No more than one stamp to be used, which must be kept confidentially.

see that the stamp is not used by any person other than himself or the registrar or deputy registrar, as the case may be, or for any purpose other than as hereinbefore authorized.

Penalty
for misuse.

(c) The wilful use of any such stamp, or wilfully permitting the same to be used, for the purpose of franking for the post any letter or other mailable matter which does not relate to the official business of the registry, shall be an offence punishable upon summary conviction by fine or imprisonment, not exceeding two hundred dollars, or three months, or both, in the discretion of the convicting magistrate. *Reg. 87.*

DEFAULTERS.

D. O. C. to
report to
registrar.

100. Where any person is delivered or surrenders himself into military custody as a person who has failed to comply with any proclamation under the Act, it shall be the duty of the general or other officer commanding the military district in which such person is so delivered or so surrenders himself to send to the registrar for the district in which the headquarters of such military district is situate a return giving full particulars of the name, address, age, nationality, status, religion, occupation and medical category of such person. *P.C. 3169, par. 4.*

Failure to
register.

101. Every man required by any proclamation to report for military service unless a claim for exemption be made by him or on his behalf, who fails to report accordingly, shall be and be deemed to have been placed on active service in the Canadian Expeditionary Force and to be absent without leave from and after midnight of the last day upon which, within the time limited in that behalf, a report for service or claim for exemption might have been made by him, and shall be liable to forfeiture to pay under section 44, subsection 6, and section 46, subsection 2 (d), of the Army Act, in addition to any other punishment which may be therefor authorized by law. *P.C. 3118, par. 1.*

Failure to
attend for
medical
examination.

102. Every man who has reported for military service under the Act, and who, not having been placed on active service, fails to obey any order to report for medical examination or for duty after having received the order or notice thereof, shall be and be deemed to have been placed on active service in the Canadian Expeditionary Force and and to be absent without leave; and

(b) every man, being a member of a class or sub-class called out by any proclamation under the Act, who has not been placed on active service in the Canadian Expeditionary Force, but has either reported for military service or has been refused exemption shall be deemed

to have been placed on active service in the Canadian Expeditionary Force and to be absent therefrom without leave, if he fail to comply with any order to report for military duty or for medical examination which he may receive from the competent authority; or if he do not receive the order or notice thereof, from and after the expiration of seven days after

(i) the posting to him by registered post, to the address named in his report for service or claim for exemption, of any such order or notice thereof, or

(ii) the delivery of any such order or notice thereof at the said address;

and any such man may be punished accordingly by forfeiture of pay under section 44, subsection 6, or Section 46, subsection 2 (d), of the Army Act, in addition to any other punishment which may be therefor authorized by law. *P.C. 3118, par. 2.*

103. Any exempted person who fails to give notice to the Registrar as required by Section 11, sub-section 2 (f) of the Military Service Act shall from the expiry of the exemption theretofore granted him be and be deemed to have been placed on active service in the Canadian Expeditionary Force and to be absent without leave. *P.C. 115, par. 7.*

Man on active service after exemption expires.

ENFORCEMENT OF ACT; OFFENCES AND PENALTIES.

104. Any man who has been lawfully required to attend upon and to be examined by a medical board, by any competent authority, wilfully refuses or neglects to attend and be examined as and when so thereunto required, he shall be liable on summary conviction to a penalty not exceeding two hundred dollars, and not less than twenty-five dollars, or to imprisonment for any term not exceeding three months, or to both such fine and imprisonment, in the discretion of the convicting magistrate; and moreover it shall be competent to any justice of the peace, or police or stipendary magistrate, upon information laid before him, to issue his warrant to any peace officer to apprehend the man and take him before a medical board and compel him to submit to such examination. *P.C. 3230.*

105. Every person is guilty of an indictable offence and liable to imprisonment for a term, not exceeding five years and not less than one year, who makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration directly or indirectly, to a member of any tribunal constituted or provided for by or under the Act, or to any officer or clerk of any such tribunal, or to any member, officer or clerk of any

Bribery or corrupting of officials.

medical board, or to a military representative, or to any officer or person concerned in the administration of the Act or regulations or having any duties to perform thereunder, with intent corruptly to obtain from or by means of the authority, jurisdiction, agency or influence of any such tribunal, board, officer, clerk or other person, for himself or any other person, a certificate of exemption, or the extension, modification or renewal of any certificate of exemption already granted, or a certificate of physical unfitness, or any extension of time, advantage, benefit or assistance to procure or assist in the procuring of exemption from military service for himself or any other person, or in order that he or any other person shall escape military service or liability for military service. *Reg. 90.*

Employing
deserters.

106. Every person who employs or retains in his service any man who has deserted, or who is absent without leave, from the Canadian expeditionary force, shall be guilty of an offence, punishable on summary conviction by imprisonment not exceeding six months, or by a penalty of not less than one hundred dollars, and of not more than five hundred dollars, unless such person prove that he was not aware, and had no reasonable ground to suspect, that the man so employed or retained in his service was a deserter or absent from the force without leave. *Reg. 94.*

Employer
taking undue
advantage
of employee.

107. Every employer, and every person acting on behalf of any employer, who stipulates or attempts or offers to stipulate with any employee or other person for any reduction of an employee's salary or wages, or for the alteration of any other term or condition of his employment, in consideration of the employer exercising or refraining from exercising his right to claim exemption from military service on behalf of any employee, or who alters or attempts or offers or proposes to alter, adversely to any employee, any of the conditions of employment affecting such employee, by exercising or refraining from exercising or by authorizing or suggesting the exercise or abstention from exercising of his right to claim exemption from military service on behalf of any employee, shall be guilty of an offence, punishable on summary conviction, by fine or imprisonment, or both, in the discretion of the convicting magistrate; the fine to be not less than one hundred dollars and not more than one thousand dollars, and the imprisonment not to exceed six months. *Reg. 91.*

Employing
men who are
in default.

108. Every person shall be guilty of an offence, and liable on summary conviction to a penalty of not less than fifty dollars, and of not more than five hundred dollars, who, after the expiry of the time within which a man is

proclamation or regulation required to report in accordance with section 4 of the Act or to apply for exemption, employs or engages in his service, or continues in his service for a period of seven days, any man who belongs to any class or sub-class which has been called out, and who has not reported as required by section 4 of the Act, or in respect of whom an application for exemption has not been made, unless such person prove that, having made due inquiry, he believed upon reasonable grounds that the man so employed, engaged or continued in his service did not belong to any class or sub-class called out, or that he had reported or had at the time a certificate, or that an application for exemption by or in respect of the man was at the time pending. *Reg. 92.*

109. Every employer who refuses, neglects or fails to comply with any of the requirements of these regulations shall be guilty of an offence and liable, upon summary conviction, to a penalty not exceeding, as to each employee in respect of whom he has refused, neglected, or failed to comply, one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment in the discretion of the convicting magistrate. *Reg. 93, c. part.*

Penalty
on employer.

110a. Every constable, police or peace officer who may from time to time be legally authorized or acting as such in any part of Canada, whether under Dominion or provincial authority is hereby, for the purpose of the enforcement of the Act, under Section 12 (e) thereof, appointed a constable, police or peace officer for that part of Canada for which he is locally authorized, and he shall from time to time when directed by the Minister, make such inquiries as are authorized by the Act or any regulations thereunder, and report to the Minister the results of his inquiries with the names and addresses of the persons of whom the inquiries were made and the answers thereto received, and he shall moreover institute such proceedings and execute such process as may be necessary for or in connection with the enforcement of the Act and the Regulations or as the Minister may direct. *P.C. 3118, par. 4.*

Peace officers
authorized
under the Act.

111. After any class or sub-class has been called out, and after the expiration of the time limited by the calling out proclamation for reporting for service or making applications for exemption in the locality, any man, who may reasonably be supposed to be a member of the class or sub-class called out, may, at any reasonable time, be accosted by any commissioned or non-commissioned military officer, or, by any police officer or constable, and questioned as to

Men may be
accosted and
questioned
as to
compliance.

all or any of the following matters, to wit:—his name, occupation, place of employment, abode, date and place of birth, and any other matters relevant to show whether or not he is within such class or sub-class, or whether or not he has reported for, or is excepted or exempted from, military service; and the man shall, if required, produce his certificate or such evidence as may be in his possession, if he have any, showing that he has reported, or is not at the time liable to report; and it shall be the duty of any such man so questioned to answer truthfully, and to the best of his information, knowledge and belief, all questions so put to him. *Reg. 95.*

Penalty for refusing to answer or for answering untruthfully.

112. If any man so accosted and questioned do not answer, or does not truthfully answer, all questions put to him touching the matters aforesaid, or, if the officer questioning him have reasonable grounds to believe that the answers are untruthful or evasive, he may detain the man and take him before a justice of the peace to be dealt with according to law; provided that nothing in this regulation shall affect the application of section 15 of the Act. *Reg. 96.*

Duty to give information.

113. It shall be the duty of every person to answer any questions which may be asked of or submitted to him orally or in writing by a registrar or by any military or police officer relating to the age, occupation, abode, address or domestic position of any man who may reasonably be supposed to be a member of any class or sub-class called out or to any facts which may be of use in determining whether such a man is entitled to exemption or enabling him to be found or identified, and any person who fails to answer any such questions shall be liable, on summary conviction, to a penalty not exceeding one hundred dollars nor less than twenty-five dollars. *Reg. 97, amended.*

(2) When any such questions are submitted in writing by the registrar the fact that no answer to them is received by such registrar within five days from the delivery of the questions at the address of the person to whom such questions are directed shall be *prima facie* evidence that such person is guilty of an offence under this paragraph.

Return of exemption certificate.

114. Upon the expiry of any exemption or upon the decision of a tribunal varying or withdrawing any certificate of exemption the exempted person shall forthwith upon notice to him send to the registrar or deliver to the tribunal the exemption certificate issued to him and on default shall, on summary conviction, be liable to a penalty of \$100 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. *P.C. 115, par. 5.*

115. Any exempted person who answers untruthfully any enquiries bearing on the question of his circumstances and occupation or other matter affecting his right to exemption from military service shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one year, and upon conviction his exemption shall forthwith terminate. *P. C. 115, par. 6.*

Penalty for untruthful answers by exempted man.

116. If any postmaster, sheriff, clerk of the peace, clerk or other proper officer of a municipality, refuse, neglect or fail to post or, until the last date mentioned in any calling out proclamation then current, keep posted in a prominent place in his office, and in other public places throughout his district, sheriffwick or municipality, if thereunto directed by the Minister, copies of any proclamation, order, notice or announcement relating to military service, issued by the authority of the Governor-in-Council or the Minister, and which the Minister has required him to post and keep posted, he shall be guilty of an offence and liable to a penalty, recoverable by summary conviction, of twenty dollars for each day during which such refusal, neglect or failure shall continue. *Reg. 98.*

Postmaster and municipal officers to post proclamations, etc.

117. If any person, at any time on or before the last date mentioned in any calling-out proclamation then current, wilfully destroy, take down, tear, or deface any copy of such proclamation, or of any order, notice or announcement, issued by the authority of the Governor in Council or the Minister, and posted, by the authority of these regulations or of the Minister, in any office or public place, he shall be guilty of an offence and liable to a penalty, enforceable by summary conviction, of not more than two hundred dollars, and of not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment in the discretion of the convicting justice. *Reg. 99.*

Tearing down or defacing.

118. When under the *Military Service Act* or these Regulations, punishment by imprisonment only is provided for any offence, the provisions of Section 1035, Sub-section 1 of the *Criminal Code* shall nevertheless apply so as to authorize alternative punishment as provided by that Sub-section.

S. 1035 of Criminal Code to apply.

119. A constable appointed by a tribunal to preserve order at the sittings of the tribunal, who neglects or refuses to perform such duty without reasonable excuse, shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding two hundred dollars. *Reg. 100.*

Constables who refuse to act.

Neglect of
duty by
constable.

120a. Every member of a tribunal, constable, police or peace officer who neglects or refuses to perform any duty imposed upon him by the Act or the regulations, shall be guilty of an offence and liable, if no greater penalty be imposed for that offence, upon summary conviction to a penalty not exceeding one hundred dollars. *P. C. 3118, par. 6, amended.*

REMUNERATION OF OFFICERS AND OTHERS.

Registrars
and their
staffs.

121. Remuneration may be paid as follows:—

(a) To each member of a local tribunal who claims remuneration, \$5.00 for each necessary day's sitting of the tribunal at a place other than that at which said member ordinarily resides or carries on business, if certified by the registrar and approved by the Minister.

(b) To the registrar of a province, and to his deputies, if any, as prescribed by the Governor in Council; other members of a registrar's staff and clerical assistants in his office may be paid at such reasonable rates as are current in the place of employment, and as are approved by the Minister;

(c) To the clerk of the Central Appeal Judge and to other members of his staff and clerical assistants such reasonable rates as are current in the place of employment and as recommended by the Central Appeal Judge.

(d) To a clerk for a local tribunal when necessary by reason of the pressure of work thereon, the incapacity of one or both members or otherwise when approved of the Registrar and by the Minister, a sum not exceeding \$2.50 per day for each day's attendance upon the sitting of the tribunal.

(e) To a constable for attending the sittings of any tribunal as may be required by the tribunal a sum not exceeding \$2.00 per day for each day's attendance upon the sitting of the tribunal, provided that in the case of an appeal tribunal where necessary and recommended by the appeal tribunal the functions of a clerk and constable may be combined in one person to whom may be paid a sum not exceeding \$3.50 per day.

(f) To an interpreter for attending the sittings of any tribunal when certified by the tribunal as necessary in order to dispose of its business a sum not exceeding \$2.50 per day.

In addition, the officers mentioned in this regulation and all members of appeal tribunals and the Central Appeal Judge shall be entitled to be reimbursed for their reasonable and necessary travelling and living expenses, when necessarily absent upon duty from the place at which they ordinarily reside, if duly certified by the member of the appeal tribunal making the claim, the Central Appeal Judge or the registrar. *Reb. 101, P. C. 35, amended.*

SCHEDULE "A."

| District No. | Headquarters. | Provinces or Counties Comprised. |
|--------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | London, Ont. | Essex, Kent, Lambton, Elgin, Middlesex, Oxford, Waterloo, Wellington, Perth, Huron, Bruce. |
| 2 | Toronto, Ont. | Lincoln, Welland, Haldimand, Norfolk, Brant, Wentworth, Halton, Peel, York, Ontario, Grey, Dufferin, Simcoe, the Districts of Muskoka, Parry Sound, Algoma and Nipissing north of the Mattawa and French Rivers (including the Townships of Ferris and Bonfield). |
| 3 | Kingston, Ont. | Durham, Northumberland, Victoria, Peterborough, Hastings, Prince Edward, Lennox, Addington, Frontenac, Haliburton, Carleton, Dundas, Glengarry, Renfrew, Russell, Stormont, Grenville, Lanark, Wright, Labelle, Pontiac, Leeds, Prescott, the district of Nipissing south of Mattawa River (exclusive of Townships of Ferris and Bonfield). |
| 4 | Montreal, P.Q. | Jacques Cartier, Hochelaga, Laval, Vaudreuil, Soulanges, Napierville, Beauharnois, Chateauguay, Huntington, Laprairie, Argenteuil, Terrebonne, Two Mountains, Montcalm, L'Assomption, Joliette, Berthier, Maskinonge, St. Maurice, Three Rivers, St. Johns, Iberville, Missisquoi, Brome, Shefford, Rouville, Chambly, Vercheres, St. Hyacinthe, Bagot, Drummond, Richelieu, Yamaska, Nicolet, Arthabaska, Sherbrooke and Stanstead. |
| 5 | Quebec, P.Q. | Wolfe, Richmond, Compton, Beauce, Bellechasse, Bonaventure, Dorchester, Gaspé, Kamouraska, Levis, L'Islet, Champlain, Charlevoix, Chicoutimi, Montmorency, Quebec, Portneuf, Saguenay, Lotbinière, Montmagny, Matane, Megantic, Rimouski and Temiscouata. |
| 6 | Halifax, N.S. | Provinces of New Brunswick, Nova Scotia and Prince Edward Island. |
| 10 | Winnipeg, Man. | Province of Manitoba, and in the province of Ontario, the districts of Kenora, Rainy River and Thunder Bay. |
| 11 | Victoria, B.C. | The Province of British Columbia and the Yukon Territory. |
| 12 | Regina, Sask. | The Province of Saskatchewan. |
| 13 | Calgary, Alta. | The Province of Alberta and the Territory of Mackenzie. |

SCHEDULE B.

CANADA.

M.S.A. 1E

No.

C

MILITARY SERVICE ACT, 1917.

CLASS I.

CLAIM FOR EXEMPTION.

APPLICATION IS HEREBY MADE FOR THE EXEMPTION FROM MILITARY
SERVICE OF

Name in full (given names in full first).....

Residence.....

Post office address to which notices
may be sent, including street and
number, if any:

A bachelor, or widower without children, and a British Subject.

Aged.....years, having been born on the.....day of.....18

Present occupation.....

Present employer, if any.....

Address of employer.....

Business of employer.....

EXEMPTION IS CLAIMED FOR THE REASON MARKED WITH A CROSS (X).

Place cross
(x) here.Place cross
(x) here.

| | | | |
|-------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------|--|
| 1. Importance of continuing employment in habitual occupation. | | 5. Serious hardship owing to exceptional business obligations. | |
| 2. Importance of employment as ¹ for which he has special qualifications | | 6. Serious hardship owing to exceptional domestic position. | |
| 3. Importance of continuing education or training. | | 7. Ill health or infirmity. | |
| 4. Serious hardship owing to exceptional financial obligations. | | 8. Adherence to religious denomination known as ² of which the articles of faith forbid combatant service. | |

By whom application is made (man or employer, or near relative of man).....

If this application is not made by the man himself, give reason.....

Office

Stamp

Signature of the person by whom the application is made:

Address.....

¹ Fill in the special occupation.² Fill in the name of the religious denomination.

INSTRUCTION TO POSTMASTER: When filled in, signed and date stamped, to be forwarded, by registered mail on the same day, to The Post Office Inspector of your Division.

CANADA.

M.S.A. 2E

No.

C

MILITARY SERVICE ACT, 1917.

 POSTMASTER'S RECEIPT FOR CLAIM FOR EXEMPTION FROM MILITARY SERVICE.

Signature of man on whose
behalf the application has
been made.

To be delivered to applicant and retained and
signed by him, if applicant has applied on
his own behalf, or, if application has been
made by applicant on behalf of some one
else, to be handed by applicant to the man
concerned, signed by the latter and pro-
duced at any time on request.

The application for the exemption from military service of.....

.....
(name in full.)

whose Post Office address is given as.....

.....
has this day been handed to me and this is the counterfoil of that application
and bears the same number.

| |
|--------|
| Office |
| Stamp. |

.....
Signature of Postmaster.

CANADA.

M.S.A. 3E

No.

R

MILITARY SERVICE ACT, 1917.

REPORT FOR MILITARY SERVICE.

(IF EXEMPTION NOT CLAIMED)

CLASS I.

I hereby report myself for military service. I will report myself for duty when called upon by notice mailed to me, addressed:—

Give complete address. {

I am..... years of age, a bachelor or widower without children, and I believe myself to be physically fit.

My present occupation is.....
 and my employer (if any) is.....
 whose address is.....

.....
 Signature of Man.

| |
|--------|
| Office |
| Stamp. |

INSTRUCTIONS FOR POSTMASTER.

When filled in, signed and date stamped, to be forwarded by Registered Mail on the same day, to the Post Office Inspector of your Division.

CANADA.

M.S.A. 4 E

No.

MILITARY SERVICE ACT, 1917.

POSTMASTER'S CERTIFICATE.

(TO BE RETAINED BY THE MAN.)

I hereby certify that I have this day received a report for military
service from.....

.....
whose post office address is given as.....

.....
and this is the counterfoil of the report which bears the above number.

.....
Signature of Postmaster.

This certificate is to be signed, date stamped
and delivered to the man reporting for service.
It is important that it should be carefully re-
tained by him, so that it can be produced by
him whenever called for.

Office

Stamp

CANADA.

M.S.A. 8

MILITARY SERVICE ACT, 1917.

ORDER TO REPORT FOR MEDICAL EXAMINATION.

Consecutive number of
man on schedule.

To.....

Street and No.....

Post Office.....

YOU ARE ORDERED to report yourself for medical examination before
the Medical Board sitting at.....Street, in the
City or Town of.....
on the.....day of.....1917.

You will retain and present to the Board this portion of the order.

If you have been medically examined by a Military Medical Board
after the fifteenth day of September, 1917, and have a copy of the findings
of that Board with regard to yourself, you will not attend for examination
now as directed, but will instead attach your copy of the Medical History
Sheet to this Order and return both to the Registrar or Deputy Registrar
under the Military Service Act, 1917, by whom the Order is signed.

If transportation is necessary you must present the whole of this paper to the
agent of the.....
Railway Company at the place of departure hereunder noted who will detach this
portion of it. He will issue to you a return ticket by the shortest route.

To be filled in by Ry. or S.S. Co.

Second class transportation for one
person from.....
to.....and return.

| Miles. | Rate. | Amount. |
|--------|-------|---------|
| | | |

Serial number of man.

Registrar under the Military Service Act, 1917,
at.....

No.....

Ticket as above set out has been received by me.

Signature of man.

NOTE.—This requisition must be presented to the Railway Agent in ample
time to allow him to issue ticket called for.

The requisition must be receipted in the presence of the Railway Agent or it
will not be honoured.

MILITARY SERVICE ACT, 1917.
Warrant for Transportation—not good if
detached from Order.

This portion to be retained by Railway
or S.S. agent.

M.S.A. 9.

M.S.A. 20.

**SCHEDULE OF MEN REPORTING FOR SERVICE WHO HAVE
BEEN DIRECTED TO REPORT BEFORE MEDICAL BOARD**
No.....Sitting at.....

Date.....Sheet No.....

INSTRUCTIONS:—First Line of each entry—Name, Serial Number, Occupation.

Second Line of each entry—Address in Full, Date of Order to Report for Medical Examination, Number of Days Subsistence.

The medical category and check will be noted in the two right-hand columns when required. The right-hand column will also be used for the insertion of the number of the exemption certificate, if issued, but this will be entered in red ink. Single space the lines of each entry and leave a double space between entries.

| Consec. No. | | Age. | Med. Cat. | Checked to card by |
|----------------|--|------|--------------|-----------------------|
| | | | | |

Received registered letters addressed as above set out to the persons against whose names no letter appears indicating the medical category in which they have been placed.

Date.....Postmaster at.....

M.S.A. 21.

SCHEDULE OF CLAIMS FOR EXEMPTION REFERRED TO
LOCAL TRIBUNAL No. SITTING AT

Sheet No.

Date

INSTRUCTIONS.—First Line of each entry—Name of man, Serial number,
Occupation, Age.

Second Line—Address of man, Date of Hearing.

Third Line—Name of Applicant or Applicants.

Fourth Line—Address, Relationship.

Each line of entry will commence three letter spaces to right of commencement of previous line. The medical category and check will be noted in the right-hand columns when required. The right-hand column will also be used for the insertion of the number of the exemption certificate, if issued, but this will be entered in red ink. Single space the lines of each entry and leave double space between entries.

| Consec. No. | Particulars. | No. of Exmtn. Clmd. | Med. Cat. | Decision of Tribunals. | Checked to Card by |
|----------------|--------------|---------------------------|--------------|------------------------------|--------------------------|
| | | | | | |

Received.....registered letters initialled by the undersigned.

Date

Postmaster at

M.S.A. 23.

MILITARY SERVICE ACT, 1917.

Serial No.

Consecutive No. on Schedule.

NOTICE OF HEARING OF APPLICATION FOR EXEMPTION.

Name.....

St. and No.....

City or Town.....

The application for the exemption from military service of

.....
 will be considered by the Local Exemption Tribunal sitting at

(St. and No.).....

(City or Town).....

on the.....day of.....1917, at ten
 o'clock in the morning, or such later hour of that day as the number of
 cases before the Tribunal may dictate.

Anything you desire to lay before the Tribunal should be put in writing and sent immediately
 by post to "The Local Exemption Tribunal under the Military Service Act," at the above address.
 You must be careful to note on any communication you thus send, the serial number and consecutive
 number on schedule which appear in the squares at the head of this notice and any facts which you
 may state or any representations you may make in this way will receive due consideration by the
 Tribunal.

Your personal attendance before the Tribunal is permitted, but it is not recommended, unless
 it is impossible properly to set out the facts in writing.

Upon the decision of the Tribunal being arrived at or its becoming necessary that you should
 be examined by a Medical Board, notice will be sent to you by registered mail. If you do not
 receive it in due course of post after the date of hearing of your claim mentioned in the first para-
 graph, please notify the undersigned Registrar quoting the numbers at the top of this notice, and
 the reason for the delay will be enquired into.

Registrar under Military Service Act, 1917.

at.....

M.S.A. 28.

CANADA.

MILITARY SERVICE ACT, 1917.

ORDER TO REPORT FOR DUTY.

Serial No.

Warrant No

To..... (Name)

(Street and Number.....)

(City or Town).....

You are ordered to report for duty at the Headquarters of the Depot Battalion at (street and number) at

Failure to obey this Order will render you liable to punishment by the Civil Courts, as well as making you subject to be taken into custody at any time as a military offender.

You will retain this portion of this order and will present it upon your reporting at the Head Quarters of the Depot Battalion. Keep it carefully as it is your means of identification.

WARRANT NO.....

If railway or steamboat transportation is required, you will present this order to the Station Agent of the Railway Company at the point of departure mentioned below, who will detach that portion of this order **below the perforations**, and will issue to you transportation to the Headquarters of the Depot Battalion.

To be filled in by Ry. or S.S. Co.

Second class transportation for...
One person from.....
to.....

| Miles. | Rate. | Amount. |
|--------|-------|---------|
| | | |

Serial number
of man.

.....
Registrar under Military Service
Act, 1917.

MILITARY SERVICE ACT, 1917.
Warrant for transportation—Not good if
detached from Order.

To be retained by Railway or S.S. agent.

Ticket as above set out has been received by me.

M.S.A. 28½.

Signature of man.

NOTE.—This requisition must be presented to the Railway Agent in ample time to allow him to issue ticket called for.
The requisition must be receipted in the presence of the Railway Agent or it will not be honored.

M.S.A. 30.

CANADA.

MILITARY SERVICE ACT, 1917.

EXEMPTION CERTIFICATE.

This is to certify that.....
 whose post office address is.....
 and whose occupation is.....
 is exempted from being called up for duty as a soldier:—

Date:

.....
 Registrar under the Military Service
 Act, 1917.

at.....

This certificate may be varied, renewed or withdrawn at any time during its currency by the local or appeal tribunal, under whose direction it was issued. It expires on the date above mentioned, if any. If none is mentioned, it expires thirty days after the circumstances referred to have altered. The holder of this certificate must, before the certificate expires, give notice of any application for its extension or alteration to the Registrar by whom it is issued, otherwise he becomes immediately liable to be called up for military duty. The holder must also, forthwith, upon a change in his circumstances or address, give notice to the Registrar of the fact.

Age

Height.....

Weight.....

Complexion.....

Eyes.....

Chest expansion.....

 Maximum.....

 Minimum.....

Marks or peculiarities.....

Serial No.....

This certificate must be signed by the holder as soon as received, in the space provided below, and must be carefully preserved by him. It must be returned to the Registrar by whom it is signed as soon as the exemption ceases to be in force by reason of lapse of time or change of circumstances.

.....
 Signature of holder of Certificate

M.S.A. 31.

CANADA.

MILITARY SERVICE ACT, 1917.

APPEAL SCHEDULE.

Registrar's Office at

Date

INSTRUCTIONS:—First Line of Entry—Consecutive Number on Appeal Schedule, Tribunal No., No. on Trib. Sched., Name of Man, Serial Number, Age, Number of Ground for Exemption.

Second Line—Address of Man, Occupation, Date of Hearing of Appeal.

Third Line—Name or Names of Applicant or Applicants, Address or Addresses of Applicant or Applicants, Relationship to Man.

INSTRUCTIONS:—Each line of entry will commence three letter spaces to right of commencement of previous line. Single space the lines of each entry and leave double spaces between entries.

.....
Postmaster at

| Consec. No. | Trib. No. | No. on Trib. Sched. | Particulars of man and Applicant. | Age. | No. of ground for exemption. | Disposition of Appeal. |
|----------------|--------------|---------------------------|--------------------------------------|------|---------------------------------|---------------------------|
| | | | | | | |

Received this day of, 1917, registered notices addressed to the persons above mentioned, against whose names my initials appear, addressed to them respectively at their address as above noted.

.....
Postmaster at

M.S.A. 32

MILITARY SERVICE ACT, 1917

Serial No.

Consecutive No. on Schedule.

NOTICE OF DISPOSITION OF CLAIM FOR EXEMPTION.

To.....

St. and No.....

City or Town.....

You are notified that the Claim for Exemption from Military Service made on behalf of..... has been considered by Local Exemption Tribunal No..... sitting at..... under the Military Service Act, 1917, and that the decision of the Tribunal was that exemption be:—

Any communication on the subject of this notice is to be sent to the undersigned. It requires no postage.

If you desire to appeal use form on the back of this notice.

INSTRUCTIONS TO CLAIMANT.—If the application for Exemption has been dismissed, an order with regard to the time and place at which the man concerned is required to report himself to be placed on active service will be sent to him in due course, and he will be furnished with transportation for his journey to his battalion.

If the Claim for Exemption has been allowed a Certificate of Exemption will be sent to the man within about six weeks. This Certificate will be valid upon the conditions specified or for the time limited by the decision or until the men in the Medical Category in which the man has been placed are required to again report themselves.

If exemption has been granted until the services of the men of the Medical Category in which the man has been placed are required, and the services of the men in that Medical Category are hereafter called for, an opportunity will then be given to put forward any ground of exemption already urged, as well as any that may arise in the interval.

If you desire to appeal you must give notice in writing of the grounds upon which you base your appeal to "The Registrar under the Military Service Act, 1917" at the place stated above. Such a notice should be in the following form: "I desire to appeal from the decision of

Local Tribunal No.....regarding the exemption of.....
(naming of man)
 whose serial number is.....and consecutive number on schedule is
"

This notice must be postmarked not later than the tenth day after the delivery by the Post Office of this advice, or your appeal cannot be heard.

If, by reason of any delay in the delivery of this notice to you, it reaches you so late that you cannot give notice of appeal within twenty (20) days from the date of the dispatch of the notice, *then you must, in addition to the grounds of your appeal*, give the reasons for the delay in the delivery, if you know them. If the delay in delivery was your fault, your right of appeal is gone, and it is only if the delay in the delivery was not due to you, that your appeal can be considered.

If you give a notice of appeal, you will be advised by the Registrar in due course, as to the time when it will come on for hearing before an Appeal Judge.

M.S.A. 41.

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on Schedule.

NOTICE OF DISPOSITION OF APPEAL.

NAME

STREET AND NUMBER

CITY OR TOWN

You are notified that the appeal from the decision of the Local Tribunal with regard to the Claim for Exemption from Military Service made on behalf of

..... has been considered by the Appeal Tribunal sitting at, and that the decision was that exemption be

Any communication on the subject of this Notice is to be sent to the undersigned. It requires no postage.

.....
Registrar, under the Military Service Act, 1917.

at

N.B.—See other side for Instructions and Regulations.

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on Schedule.

NOTICE OF REFUSAL OF LEAVE TO APPEAL.

NAME.....

STREET AND NUMBER.....

CITY OR TOWN.....

You are notified that leave to appeal to the Central Appeal Judge from the decision of the Appeal Tribunal sitting at..... in respect of claim for exemption from military service made on behalf of..... has been refused by the Appeal Tribunal mentioned.

If the decision is adverse to the party to the appeal who receives this notice, and he still wishes to prosecute a further appeal to the Central Appeal Judge notwithstanding the refusal of leave to appeal by the Appeal Tribunal, he must, upon receipt of this notice, forthwith notify the undersigned to that effect by registered letter, and if he does so, the necessary steps will be taken to obtain the views of the Central Appeal Judge as to the propriety of allowing an appeal, and notice of the decision arrived at will be given in due course.

.....
Registrar under the Military Service Act, 1917.

at.....

M.S.A. No. 42.

M.S.A. 43.

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on Schedule.

**NOTICE OF REFUSAL OF CENTRAL APPEAL JUDGE
TO GIVE LEAVE OF APPEAL.**

NAME

STREET AND NUMBER

CITY OR TOWN

You are notified that the Central Appeal Judge has refused leave to appeal to him from the decision of the Appeal Tribunal of the claim for exemption from military service made on behalf of.....

and that the decision of the Appeal Tribunal in respect of this claim consequently stands as given.

.....
Registrar under the Military Service Act, 1917.

At

If the decision was that the Claim for Exemption should be disallowed, the man concerned must comply with such Order as he has already received or as may be enclosed herewith.

M.S.A. 44.
(Amended)

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number of Schedule.

**NOTICE OF HEARING OF APPEAL BEFORE CENTRAL
APPEAL JUDGE.**

NAME

STREET AND NUMBER

CITY OR TOWN

You are notified that the appeal to the Central Appeal Judge from the decision of the Appeal Tribunal with respect to the Claim for Exemption from military service made on behalf of.....

.....
will be considered by the Central Appeal Judge at his office, in the Plaza Building, at Ottawa, Ontario, on the.....

day of.....191 , at 10 o'clock in the forenoon, or as soon thereafter as the Central Appeal Judge directs.

Any further representations of fact you desire to make to the Central Appeal Judge in addition to those made to the Local Tribunal or the Appeal Tribunal must be put in writing and addressed to "The Central Appeal Judge under the Military Service Act, 1917, Ottawa, Ontario." You ought in any case to forward to the Central Appeal Judge in time to reach him before the date of hearing, a concise statement in duplicate, of the grounds upon which you contend that the judgment appealed from should be affirmed, reversed or varied, as the case may be. You must be careful to note on any communication you thus send the serial number and consecutive number on schedule which appear at the head of this Notice, and any facts you may state, or any representations you may make, will receive due consideration.

Oral argument before the Central Appeal Judge is NOT permitted, unless specially directed.

Upon the decision of the Central Appeal Judge being arrived at, notice will be sent you by registered mail.

.....
Registrar under the Military Service Act, 1917.

At.....

M.S.A. 45.

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on Schedule

NOTICE OF HEARING OF APPEAL.

NAME

STREET AND NUMBER

CITY OR TOWN

The appeal from the decision of the Local Exemption Tribunal with respect to the exemption from military service of

.....
will be considered by Appeal Tribunal sitting at

.....
(STREET AND NUMBER)

.....
(CITY OR TOWN)

on the.....day of.....1917, at.....o'clock, or such later hour that day as the tribunal may direct.

Anything you desire to lay before the Appeal Tribunal in addition to what was laid before the Local Exemption Tribunal may be put in writing and sent immediately to the undersigned. You must be careful to note on any communication you thus send the "Serial No." and "Consecutive No. on Schedule" which appear at the head of this notice. Any facts which you thus state, or any representations you may make, will receive due consideration.

Your personal attendance before the Appeal Tribunal is permitted, but is not required unless you are notified to that effect.

As soon as the Appeal Tribunal has reached a decision, notice of same will be sent to you by registered mail. If you do not receive such a notice within a week after the date set for the hearing of the appeal as mentioned above, please notify the undersigned, quoting the numbers at the top of this notice, and the reason for the delay will be enquired into.

.....
Registrar under the Military Service Act, 1917.

At.....

NOTE:—The Military Service Act, 1917, section 11, subsection 4 provides as follows:—

"(4) Any person who, for the purpose of obtaining a certificate or a condition in a certificate for himself or for any other person, or for the purpose of obtaining the renewal, variation or withdrawal of a certificate, makes any false statement or representation, shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding twelve months with or without hard labour."

M.S.A. 47.

MILITARY SERVICE ACT, 1917.

NOTICE OF DISPOSITION OF APPEAL TO CENTRAL
APPEAL JUDGE.

Serial Number.

Consecutive Number on Schedule

NAME

STREET AND NUMBER

CITY OR TOWN

You are notified that the Appeal to the Central Appeal Judge with respect to the exemption from military service of.....

has been considered by the Central Appeal Judge and his decision was that exemption be.....

.....

.....

Registrar Under the Military Service Act, 1917.

At.....

NOTE.—If the decision was that Claim for Exemption should be disallowed or allowed only for a time which has expired or under circumstances which no longer exist, the man concerned must comply with such Order as he has already received or as may be sent to him by the Registrar herewith or hereafter.

M.S.A. 57.

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on
Appeal Schedule.

NOTICE OF GRANTING BY CENTRAL APPEAL JUDGE OF LEAVE TO APPEAL.

NAME

STREET AND NUMBER

CITY OR TOWN

You are notified that the Central Appeal Judge has granted leave to
appeal to him from the decision of the Appeal Tribunal at

.....
of the claim for exemption from military service made on behalf of

.....
and that your appeal will be considered by the Central Appeal Judge at

his office in the Plaza Building, Ottawa, Ontario, on the.....day

of.....191..., at ten o'clock in the forenoon, or
so soon thereafter as the Central Appeal Judge directs.

Any representations of fact you desire to make to the Central Appeal
Judge in addition to those made to the Local Tribunal or the Appeal
Tribunal must be put in writing and addressed to "The Central Appeal
Judge under the Military Service Act, 1917, Ottawa, Ontario."

You ought in any case to forward to the Central Appeal Judge in
time to reach him before the date of hearing, a concise statement, in
duplicate, of the grounds upon which you contend that the judgment
appealed from should be affirmed, reversed or varied, as the case may be.

If a statement of the grounds of appeal has been furnished by the
appellant on his application for leave to appeal, it is unnecessary to
repeat it.

You must be careful to note on any communication you thus send,
the Serial Number and Consecutive Number on Schedule which appear at
the head of this Notice.

Oral argument before the Central Appeal Judge is not permitted,
unless specially directed.

Upon the decision of the Central Appeal Judge being arrived at,
notice will be sent you by mail.

J. LORN McDOUGALL,
Clerk to the Central Appeal Judge.

A copy of this notice has been given to the Military Representative
and also to the Registrar.

M.S.A. 56

MILITARY SERVICE ACT, 1917.

Serial Number.

Consecutive Number on
Appeal Schedule.

**NOTICE OF HEARING OF APPEAL FROM LOCAL TRIBUNAL
DIRECT TO CENTRAL APPEAL JUDGE.**

To

NAME.....

STREET AND NUMBER.....

CITY OR TOWN.....

The Minister of Militia and Defence having certified that in his opinion it is desirable in the public interest that the Military Representative should be permitted to assert the appeal hereinafter notified direct to the Central Appeal Judge, you are hereby notified that the Military Representative has applied for leave to appeal and has appealed from the decision of..... Local Tribunal No.....

at..... with
respect to the exemption from military service of.....
.....direct to the Central Appeal Judge.

And that such application for leave will be considered by the Central Appeal Judge, at Ottawa, Ontario, on the..... day
of.....191..... at ten o'clock in the forenoon, or so soon thereafter as the Central Appeal Judge directs, and if leave to appeal is granted the appeal will forthwith be considered.

Any representations of fact you desire to make to the Central Appeal Judge in addition to those made to the Local Tribunal must be put in writing and addressed to "The Central Appeal Judge under the Military Service Act, 1917, Ottawa, Ontario", and forwarded in time to reach him before the date of hearing.

You ought in any case to forward to the Central Appeal Judge in time to reach him before the date of hearing, a concise statement, in duplicate, of the grounds upon which you contend that the judgment appealed from should be affirmed, reversed or varied, as the case may be.

You must be careful to note on any communication you thus send, the Serial number and Consecutive number on Schedule which appear at the head of this Notice.

Oral argument before the Central Appeal Judge is not permitted, unless specially directed.

Upon the decision of the Central Appeal Judge being arrived at, notice will be sent you by mail.

Registrar under the Military Service Act, 1917, at.....

M.S.A. 63.

MILITARY SERVICE ACT, 1917.

QUESTIONNAIRE.

SERIAL No. NAME

Exemption Granted

ADDRESS

as follows:—

NOTICE: You are required to fill in correctly all the following questions which apply to you and to return this questionnaire immediately to "The Registrar under the Military Service Act, 1917," at (envelope enclosed). If you fail to post it to him within three days after its delivery by the Post Office, the exemption heretofore granted to you will be subject to forfeiture. Postage need not be prepaid on mail matter addressed to the Registrar.

PART I—QUESTIONS TO BE ANSWERED BY ALL PERSONS.

1. If your full name is not correctly given above, give it correctly and fully.

Surname Given names

2. What is your age? weight? lbs. height?
..... ft. in.

3. If you have not full use of your limbs, senses and faculties, state what you lack

4. If you are otherwise not physically fit, state in what respect

5. If you are not a British subject, state the country of which you claim to be a citizen or subject and the year in which you came to Canada.

Country.

Year came to Canada.

6. Indicate exactly the nature of the work you are now doing

7. State all the occupations at which you have worked since you were eighteen years of age and the length of time you have worked at each.

| | | |
|------------------|-------------|--------------|
| Occupation. | Years. | Months. |
| Occupation. | Years. | Months. |
| Occupation. | Years. | Months. |

8. Give the name and address of your nearest grown up relative.

| | |
|---------------|----------|
| Name. | Address. |
| Relationship. | |

PART II—QUESTIONS TO BE ANSWERED BY ALL EMPLOYED PERSONS.

9. If you are now employed, give the name and address of your employer.

| | |
|------------------|----------|
| Employer's Name. | Address. |
|------------------|----------|

10. How long have you been working for your present employer?.....

PART III—QUESTIONS TO BE ANSWERED BY ALL PERSONS EMPLOYED IN AGRICULTURE.

11. What kind of farm do you work on? ("Dairy," "grain," "stock," or as the case may be).

12. Give the name, sex and age of all the people working on it.

| | | |
|-------|------|------|
| Name. | Sex. | Age. |
| Name. | Sex. | Age. |
| Name. | Sex. | Age. |
| Name. | Sex. | Age. |
| Name. | Sex. | Age. |

13. Do you do any other work than work on the farm?.....

14. What are your special duties, if any, on the farm?.....

15. How many acres are ther (a) in the farm?.....
(b) broken?.....

16. If any crops are now being raised, state the kind and the number of acres under each kind.....

.....acres.....acres.....acres.

17. What kind and quantity of crops were raised last season?.....

.....bush.....bush.....bush.

18. How is the uncultivated land being used?.....

19. Give the number and kind of live stock?.....horses.....

milch cows.....other cattle.....sheep.....pigs.

20. What would happen if you left the farm?.....

21. Does the man who works the farm own it or rent it?.....

PART IV.—QUESTIONS TO BE ANSWERED IF CLAIM FOR EXEMPTION IS MADE ON ANY GROUNDS OTHER THAN OCCUPATION OR PHYSICAL CONDITION.

22. If you have any dependants, give their names, addresses, their relationship to you, the extent to which you support them and the length of time you have done so.

| NAMES | AGES | RELATIONSHIP | EXTENT TO WHICH YOU FURNISH SUPPORT | SINCE WHEN YOU HAVE DONE SO. |
|-------|-------|--------------|-------------------------------------|------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

23. State the names, ages and relationship of any near relatives in the Canadian Expeditionary Force.

| Name | Age | Relationship | Unit |
|-------|-------|--------------|-------|
| | | | |
| | | | |
| | | | |

24. State any other special circumstances connected with your domestic position.

.....

.....

.....

25. What was your total income in the last twelve months, in cash or otherwise? \$.....

In cash

Value.....

Otherwise

26. If you have any business obligations, state their exact character and extent.

.....

.....

.....

.....

27. If you have any financial obligations, state their exact character and extent.....

.....

.....

.....

28. If you are undergoing any special course of training, state the name of the institution, the exact particulars of the course and the time when it will conclude.

.....

.....

PART V.—IMPORTANT NOTICE.

If the answers you give are not disputed, your answers may, without notice to you, be submitted to a tribunal for the purpose of having the exemption granted you re-considered. You should therefore state any other facts upon which you rely for exemption from military service.

Other facts:—

The above answers are correct and I understand that any misstatement will make me liable to punishment.

Dated the.....day of.....1918

Signature.....

Present Post Office Address.....

.....

Permanent Post Office Address.....

.....

M.S.A. 64.

MILITARY SERVICE ACT, 1917.
EMPLOYER'S QUESTIONNAIRE.

To.....

Address

Re exemption of.....

Serial No.....

NOTICE.—Answers to the questions set out below must be filled in and returned to the Registrar under the Military Service Act, 1917,

at

Default is punishable by fine or imprisonment or both. No postage need be paid on mail matter addressed to the Registrar.

1. The statement has been made, under date of.....1918, that the exempted man above named was in your employ. State whether this is correct, and, if not, give any information you have about him.
-
-

IF HE IS IN YOUR EMPLOY:—

2. Since when has he been so?.....

3. What is the exact character of his duties?
-
-

4. How many hours a week does he usually work?.....—.....

5. What wages does he receive?.....

6. What would happen if he were withdrawn for military service?.....
-

7. What would prevent his being replaced if withdrawn?.....
-

8. How many persons are there in your employ?.....
9. How many of them have been exempted from military service?
.....
10. What do you produce?.....
11. If you think your product necessary for the purposes of the war, give
your reasons.....
.....
.....
12. Give any other reasons why the man in question should continue to
be exempted.....
.....
.....

The above answers are correct. I understand that any misstatement
renders me laible to punishment.

.....
Signature of employer.

.....
Address.

M.S.A. 65.

MILITARY SERVICE ACT, 1917.

APPLICATION TO { LOCAL } TRIBUNAL No.....
 { APPEAL }
 FOR THE

*Renewal,
 Variation
 or With-
 drawal.*

.....
 of Certificate of Exemption granted to

NAME.....SERIAL No.....

ADDRESS

SIR OR GENTLEMEN:

There are enclosed herewith the following documents for the consideration of the tribunal.

*Strike out
 or add as
 required.*

Questionnaire (M.S.A. 63)

Employer's Questionnaire (M.S.A. 64)

Reports and letters from the following persons dated as indicated:—

To justify the renewal or continuance of an exemption the tribunal must be satisfied that the man should be exempt from military service, and the facts justifying his exemption must be recorded. The tribunal will please consider the enclosed documents and any other representations it may think advisable to consider, being careful to see that any facts not contained in the enclosed documents are put in writing. All the enclosed documents and any other relevant papers will be returned to me with the decision of the tribunal which will in all cases be made by the completion on the form on the back of this sheet.

Notice of hearing is given only if there appears to be doubt about the statements made by the applicant for exemption and consequently no application will be disallowed by default but it may be disallowed because the facts stated in the documents enclosed are not sufficient to justify exemption. The tribunal may in any case hear any evidence it considers likely to be useful.

When exemption is granted it should be limited in point of time so that the tribunal will have an opportunity to consider from time to time the facts upon which it is founded. Exemptions granted to farmers might be brought up for review in November, in order that the tribunal may consider whether the man in question is an effective producer of food.

No medical examination need be directed since the man will, in any event, be examined before being required to perform active duty, and the tribunal need not give any notice of the disposition of the claim. That will be done by the Registrar, to whom all the papers will be returned without delay. The report of the tribunal on the back of this sheet will be carefully and completely filled out and will be signed by the member of the tribunal or by both members if there are two. No postage need be paid on mail addressed to the Registrar.

Notice of hearing of this
application has been given.

.....
Registrar under the Military Service Act, 1917.

at.....

To the Registrar under the Military Service Act, 1917,

at.....

SIR,—

The decision of the tribunal is that exemption should be

Strike out
either (a)
or (b)

(a) Refused subject to medical examination.

(b) Granted on the ground stated below.

The documents described overleaf are returned herewith together with papers containing a statement of any other facts laid before the tribunal.

**IF EXEMPTION IS REFUSED THE TRIBUNAL WILL
ANSWER THE FOLLOWING QUESTIONS.**

- (a) Are the facts stated by the applicant for exemption correct?
- (b) If not, in what respect?
- (c) Have you any knowledge of the physical fitness of the man concerned?
- (d) If you think he is not fit, state in what respect?
- (e) If you think his physical condition is doubtful do you think the expense of a medical examination or a fresh medical examination would be justifiable?

**IF EXEMPTION IS GRANTED THE TRIBUNAL WILL
ANSWER THE FOLLOWING QUESTIONS.**

- (a) State at what date the claim for exemption should be again reviewed.

.....day of.....1918.

- (b) Indicate by an "X" and the necessary words, if any are required, on which of the following grounds exemption is granted.

1. National importance of the man's actual employment

as

2. National importance of the man's prospective employment as.....
3. National importance of the man's education or training as
4. Serious hardship owing to exceptional financial obligations.
5. Serious hardship owing to exceptional business obligations.
6. Serious hardship owing to exceptional domestic position.
7. Ill health or infirmity.
8. The man's conscientious objection to military service which he is prohibited from undertaking by the articles of faith of.....to which organization he in good faith belongs.
9. His enemy birth or mother tongue, he having been naturalized in 19.....

DATED AT

THIS

DAY OF

1918.

.....
Member of Tribunal.

.....
Member of Tribunal.

PROCLAMATION CALLING OUT CLASS I.

DEVONSHIRE.

[L.S.]

CANADA.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING :

A Proclamation calling out the men comprised in Class 1, as described by The Military Service Act, 1917.

E. L. NEWCOMBE, { WHEREAS it is provided by
The Deputy Minister of { our Militia Act of Canada,
Justice, Canada. Revised Statutes of Canada,
1906, chapter 41, Section 69, that our Governor General of
Canada in Council may place our militia of Canada, or any
part thereof, on active service any where in Canada, and
also beyond Canada for the defence thereof, at any time
when it appears advisable so to do by reason of emergency;

AND WHEREAS that part of our militia of Canada known as the Canadian Expeditionary Force is now engaged in active service overseas for the defence and security of Canada, the preservation of our Empire and of human liberty; and it is necessary owing to the emergencies of the war to provide re-enforcement for our said Expeditionary Force in addition to those whose inclination or circumstance have permitted them to volunteer :

AND WHEREAS by reason of the large number of men who have already left agricultural and industrial pursuits in our Dominion of Canada in order to join our Expeditionary Force as volunteers, and by reason of the necessity of maintaining under these conditions the productiveness or output of agriculture and industry in our said Dominion, we have determined by and with the advice and consent of our Senate and House of Commons of Canada that it is expedient to secure the men so required, not by ballot as provided by our said Militia Act, but by selective draft; such re-enforcement, under the provisions of the Military Service Act, 1917, hereinafter referred to, not to exceed one hundred thousand men;

AND WHEREAS it is accordingly enacted in and by the provisions of an Act of our Parliament of Canada, holden in the 7th and 8th years of our reign, and known as the Military Service Act 1917, that every one of our male subjects who comes within one of the classes described and intended by the said Act shall be liable to be called out on active service in our Canadian Expeditionary Force for

the defence of Canada, either within or beyond Canada; and that his service shall be for the duration of the present war and demobilization after the conclusion of the war;

AND WHEREAS the men who are, under the provisions of the said last mentioned Act, liable to be called out, are comprised in six classes, of which Class 1 is, by the provisions of the said Act, defined to consist of all our male subjects, ordinarily, or at any time since the 4th day of August, 1914, resident in Canada, who have attained the age of twenty years, who were born not earlier than the year 1883, and were on the 6th day of July, 1917, unmarried, or are widowers but have no child, and who are not within any of the following enumerated

EXCEPTIONS:—

1. Members of our regular, or reserve, or auxiliary forces, as defined by our Army Act.
2. Members of our military forces raised by the Governments of any of our other dominions or by our Government of India.
3. Men serving in our Royal Navy, or in our Royal Marines, or in our Naval Service of Canada, and members of our Canadian Expeditionary Force.
4. Men who have since August 4th, 1914, served in our Military or Naval Forces, or in those of our allies, in any theatre of actual war, and have been honourably discharged therefrom.
5. Clergy, including members of any recognized order of an exclusively religious character, and ministers of all religious denominations existing in Canada at the date of the passing of our said Military Service Act.
6. Those persons exempted from military service by Order in Council of August 13th, 1873, and by Order in Council of December 6th, 1898;

AND WHEREAS it is moreover provided by our said Military Service Act that our Governor General of Canada in Council may from time to time by proclamation call out on active service as aforesaid any class of men in the said Act described, and that all men within the class so called out shall, from the date of such proclamation, be deemed to be soldiers enlisted in the military service of Canada, and subject to military law, save as in the said Act otherwise provided; and that the men so called out shall report and shall be placed on active service in the Canadian Expeditionary Force as may be set out in such proclamation or in regulations; but that they shall, until so placed on active service, be deemed to be on leave of absence without pay;

AND WHEREAS it is also provided by the said Act that, at any time before a date to be fixed by proclamation, an

application may be made, by or in respect of any man in the class to be called out, to one of our local tribunals, established in the manner provided by the said Act in the province in which such man ordinarily resides, for a certificate of exemption from service upon any of the following

GROUND OF EXEMPTION :—

- (a) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he is habitually engaged;
- (b) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he wishes to be engaged and for which he has special qualifications;
- (c) That it is expedient in the national interest that, instead of being employed in military service, he should continue to be educated or trained for any work for which he is then being educated or trained;
- (d) That serious hardship would ensue, if the man were placed on active service, owing to his exceptional financial or business obligations or domestic position;
- (e) Ill health or infirmity;
- (f) That he conscientiously objects to the undertaking of combatant service, and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date and to which he in good faith belongs;

And that if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

AND WHEREAS moreover it is enacted in and by the provisions of an Act of our Parliament of Canada holden in the 7th and 8th years of our reign, and known as the War Time Elections Act, that certain persons thereby disqualified from voting, with such of their sons as on polling day are not of legal age, shall be exempt from combatant military and naval service;

AND WHEREAS it is further provided by our said Military Service Act that applications for exemption from service shall be determined by our said local tribunals, subject to appeal as in the said Act provided, and that any man, by or in respect of whom an application for exemption from service is made, shall so long as such application or any appeal in connection therewith is pending, and during the currency of any exemption granted him, be deemed to be on leave of absence without pay;

AND WHEREAS our Governor General of Canada in Council has determined to call out upon active service as aforesaid the men included in Class 1, as in the said Act and hereinbefore defined or described;

NOW THEREFORE KNOW YE that we do hereby call out the said Class 1, comprising the men in our said Military Service Act 1917 and hereinbefore defined or described as to the said class belonging, on active service in our Canadian Expeditionary Force for the defence of Canada, either within or beyond Canada, as we may, in the command or direction of our military forces, hereafter order or direct.

And we do hereby strictly command, require and enjoin that each man who is a member of the said class shall, on or before the 10th day of November, 1917, in the prescribed form and manner, report himself for military service, unless application for his exemption shall then have been made by him or by another person entitled to apply on his behalf; wherein our loving subjects, members of the said class, are especially charged not to fail, since not only do their loyalty and allegiance require and impose the obligation of careful and implicit obedience to these our strict commands and injunctions, but moreover, lest our loving subjects should be ignorant of the consequences which will ensue if they fail to report within the time limited as aforesaid, we do hereby forewarn and admonish them that any one who is hereby called out, and who without reasonable excuse fails to report as aforesaid, shall thereby commit an offence, for which he shall be liable on summary conviction to imprisonment for any term not exceeding five years with hard labour, and he shall nevertheless if we so require, be compelled to serve immediately in our said Expeditionary Force.

And we do hereby proclaim and announce that for the greater convenience of our subjects, we have directed that prescribed forms, for reporting for service, and for application for exemption from service, may, at any time on or before the said 10th day of November, 1917, be obtained at any post office in our Dominion of Canada; and that reports for service and applications for exemption from service, if obtained at any of our said post offices and properly executed, shall be forwarded by our postmaster at the post office from which the same are obtained to their proper destinations as by our regulations prescribed, free of postage or any other charge.

And we do further inform and notify our loving subjects that local tribunals have been established in convenient localities throughout our Dominion of Canada for the hearing of applications for exemption from service upon any of the statutory grounds, as hereinbefore set out; that these our local tribunals so established will begin to sit in the discharge of their duties on the 8th day of November, 1917, and that

they will continue to sit from day to day thereafter, as may be necessary or convenient, at such times and places as shall be duly notified, until all applications for exemption from service shall have been heard and disposed of; also that men belonging to the class hereby called out who have not previously to the said 8th day of November, 1917, reported for service, or forwarded applications for exemption through any of our post offices as aforesaid, may make applications in person for exemption from service to any of our said tribunals, on the 8th, 9th or 10th day of November, 1917.

And we do hereby moreover notify and inform our loving subjects who are within the class hereby called out, that if, on or before the 10th day of November, 1917, they report themselves for military service, or if, on or before that day, application for exemption from service be made by them or on their behalf, they will not be required to report for duty, or be placed upon active service as aforesaid, until a day, not earlier than the 10th day of December, 1917, which will, by our registrar for the province in which they reported or applied, be notified to them in writing by registered post at their respective addresses as given in their reports for service, or applications for exemption from service, or at such substituted addresses as they may have respectively signified to our said registrar; and we do hereby inform, forewarn and admonish the men belonging to the class hereby called out that if any of them shall, without just and sufficient cause, fail to report for duty at the time and place required by notice in writing so posted, or shall fail to report for duty as otherwise by law required, he shall be subject to the procedure, pains and penalties by law prescribed as against military deserters.

Of all of which our loving subjects, and all others whom these presents may concern, are hereby required to take notice, rendering strict obedience to and compliance with all these our commands, directions and requirements, and governing themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS : Our Right Trusty and Right Entirely Beloved Cousin and Counsellor, Victor Christian William, Duke of Devonshire, Marquess of Hartington, Earl of Devonshire, Earl of Burlington, Baron Cavendish of Hardwicke, Baron Cavendish of Keighley, Knight of Our Most Noble Order of the Garter; One of Our Most Honourable Privy Council; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Knight Grand Cross of Our Royal Victorian Order;

Governor General and Commander-in-Chief of Our
Dominion of Canada.

At Our Government House, in Our City of OTTAWA,
this TWELFTH day of OCTOBER, in the year of
Our Lord one thousand nine hundred and seventeen,
and in the eighth year of Our Reign.

By Command,

THOMAS MULVEY,
Under-Secretary of State

REFERENCES.

M.—Refers to the Memorandum for Guidance of Tribunals.

A.—Refers to the Military Service Act, 1917.

R.—Refers to the Military Service Regulations.

REPORTS OF CASES DECIDED BY THE CENTRAL APPEAL JUDGE.

Reporter: J. LORN McDougall, Barrister-at-law.

RE ROWNTREE (SERIAL No. 794819 B.C.)

A competent person who has been habitually and effectively engaged in labour essential to the production of food ought not to be withdrawn from it.

December 6, 1917.

This was an appeal by W. H. Rowntree in respect of his son, William Joseph Rowntree, from the decision of Local Tribunal, Ontario, Number 421, refusing a claim for exemption under Section Eleven, Subsection One (a).

The subject of the application is an experienced farm hand who has been working on the farm continuously for the past seven years ever since leaving school. He lives and works with his father, who owns a farm of one hundred and fifty acres in the neighbourhood of Weston, Ontario, some one hundred and thirty acres of which are under cultivation. The farm is a productive one and the industry carried on is mixed farming.

The subject of the application, with the exception of a brother of fourteen, is the only male help of his father, the owner of the farm, who is a man of advanced years and whose health is much impaired.

The Central Appeal Judge: The subject of the application, as appears from the evidence before me, is and has been habitually and effectively engaged in agricultural labour as an occupation, and by that term I mean labour which is necessary for the efficient prosecution of some form of agricultural production.

Exemption is claimed under Section Eleven, Subsection One (a) of the Military Service Act, which comes into operation when it is established to the satisfaction of the tribunal "that," in the words of the enactment, "it is expedient in the national interest that the applicant should instead of being employed in military service, be engaged in other work in which he is habitually engaged." In deciding whether this is or is not established, the Tribunal acts as an independent judicial tribunal.

The executive exercises no control over the disposition of the cases upon which the Tribunal is called to pass.

The Military Service Act itself does not deal explicitly with the subject of the exemption of persons engaged in the agricultural industry; and the question which it is my duty to decide—judicially, as I have said—is whether the subject of the application being and having been, as above mentioned, habitually and effectively engaged in agriculture and in labour essential to the carrying on of agricultural production, ought to be exempted under the provisions quoted above.

These two propositions are indisputable:

(1) In order that the military power of the Allies may be adequately sustained, it is essential that in this country, and under the present conditions, there should be no diminution in agricultural production.

(2) The supply of competent labour available for the purposes of agricultural production is not redundant, but actually is deficient.

The proper conclusion appears to be that the subject of the application, a competent person, who has habitually and effectively engaged in labour, essential to such production, ought not to be withdrawn from it.

It is perhaps unnecessary to say that such exemptions are not granted as concessions on account of personal hardship, still less as a favour to a class. The sole ground of them is that the national interest is the better served by keeping these men at home. The supreme necessity (upon the existence of which, as its preamble shows, the policy of the Military Service Act is founded) that leads the State to take men by compulsion and put them in the fighting line, also requires that men shall be kept at home who are engaged in work essential to enable the State to maintain the full efficiency of the combatant forces, and whose places cannot be taken by others not within the class called out.

The subject of the application, for the reasons above stated, will be granted exemption until he ceases to be employed in agricultural labour.

Exemption granted.

RE DEAKIN (SERIAL NO. 829504 B.C.)

Where, of a family more than one are already members of the C.E.F. a sole remaining member should be granted exemption under s. 11 (1d) especially where one of the members of the family has already been wounded or killed.

December 7, 1917.

This was an application for leave to appeal by the Military Representative of the Toronto District from the judgment of His Honour Judge Winchester, sitting as an Appeal Tribunal, who dismissed an appeal from the Local Tribunal which had granted the application for exemption.

The Central Appeal Judge: Benjamin Deakin, the applicant, is one of a family in which there are three sons, two of whom volunteered for service and went overseas. One of them was killed; the other is still on active service.

The Military Representative does not dispute the propriety of the judgments of the Local Tribunal and the Appeal Tribunal, but applies for leave to appeal with the object of obtaining a ruling by the Central Appeal Judge.

The judgments referred to are plainly right, and for that reason leave to appeal will not be accorded. The case falls within Section Eleven, Subsection One (d), where the granting of a certificate of exemption is authorized in cases in which "serious hardship would ensue"; in the words of the Act "if the man were placed on active service owing to his exceptional.....domestic position."

The general considerations which ought to govern the application of this provision in this case and in cases where the circumstances are similar, are admirably stated in paragraph 53 of the Memorandum of Suggestions prepared and issued by the Military Service Council for the general guidance of the Local Tribunals, in these words:—

"Facts which may create a case for exemption on this ground.....may.....arise by reason of the extent to which voluntary enlistment from the family of the man in question has already taken place. Indeed, where from a given family one or more are already members of the Canadian Expeditionary Force, every humane consideration would point to the propriety of a single

remaining member being granted exemption on this ground. These reasons might also apply to more than one member of a family from which voluntary enlistment has already taken two or more members, especially if one or more had already been wounded or killed."

These considerations have been correctly appreciated and applied in the judgments below.

Leave to appeal refused.

RE GAUTHIER (SERIAL No. 236005 D.C.).

It is not in the national interest that a law student should be exempted in order to complete his professional training.

December 13, 1917.

This was an appeal by the military representative in Military District No. 5, against the decision of Quebec Local Tribunal No. 234, granting exemption from military service to Leon George Gauthier, a law student who had completed two years and one-half of service as such, and at the expiration of another six months would, in the ordinary course, be called to practice as a notary in the province of Quebec. The local tribunal held that the case fell within section eleven, subsection 1 (c), which authorizes the granting of a certificate of exemption where it is established "that it is expedient in the national interest that, instead of being employed in military service, he should continue to be educated or trained for any work for which he is then being educated or trained."

The Central Appeal Judge: It is plain that no question of national interest is involved. This young man's work as a lawyer cannot be of serious importance to the nation in existing circumstances, while there is pressing need for his services as a soldier. There is literally no ground for holding that his case falls within the provisions above quoted. The appeal will therefore be allowed and the claim for exemption disallowed.

Appeal allowed.

Claim for exemption disallowed.

RE MILLER (SERIAL No. 828130 B.C.)
 SKELLY (SERIAL No. 833432 B.C.)
 POTTER (SERIAL No. 827087 B.C.)
 WALKER (SERIAL No. 127165 D.C.)

For the present it is desirable to avoid drafting trained and competent toolmakers into the army.

December 31, 1917.

These were appeals taken direct to the Central Appeal Judge, in the case of Miller from the decision of Ontario Local Tribunal 366, granting exemption to January 13, 1917; in the case of Skelly from Ontario Local Tribunal 349, disallowing exemption; in the case of Potter from Ontario Local Tribunal 359, disallowing exemption; and in the case of Walker from Local Tribunal 364, allowing exemption while engaged in work of thread gauge maker.

The first three appeals were made on behalf of the subjects of the application on the certificate of the Minister of Justice, and the appeal in the case of Walker is made by the Military Representative on the certificate of the Minister of Militia and Defence. Exemption in each case was claimed by the subject of the application under s. 11 (1) (a), of the Military Service Act, 1917, and the claim was concurred in by his employer. Oral evidence was taken before the Central Appeal Judge.

The Central Appeal Judge: The subjects of these applications are trained and competent toolmakers, and recognized as such. They are all in point of fact at present employed in that capacity by firms engaged in producing munitions of war; but from the information before me, it appears desirable for the present to avoid drafting into the army qualified toolmakers, so long as they are continuously employed as toolmakers, whether or not they are at this moment engaged in production of a kind directly affecting the prosecution of the war.

In all such cases exemption should be granted up to June 1, 1918, but if, and so long only as, the subjects of the application continue to be employed as toolmakers.

Application can be made later for the extension of the exemption period when the position of toolmakers not engaged in essential industries can be considered in light of the circumstances then existing.

Exemption granted to June 1, 1918, if and so long as employed as toolmakers.

RE WILSON (SERIAL No. 507683 J.C.)

A man, who has become a farmer since the announcement by the Government of the policy of compulsory military service, should not be heard to claim exemption on the ground of national interest.

January 4, 1918.

This was an appeal by the man concerned from the decision of Manitoba Appeal Tribunal No. 8, confirming the refusal by Manitoba Local Tribunal No. 32 to grant exemption. The Appeal Tribunal gave leave to appeal.

The Central Appeal Judge: In the autumn of 1917 the applicant was engaged with his brother in carrying on, as an occupation, the business of a hardware merchant in Manitoba. He sold out his share of the business, and bought and partly paid for a farm, got married and went to live on the farm. He claims exemption on the ground that it is important in the national interest that he should not be drafted for military service, but should be allowed to carry on the work of agricultural production. The applicant, it may be observed, was brought up on a farm in Ontario, and is not ignorant of farming.

The Tribunals will be doubtful of the national value of the services of a man who has abandoned another occupation, and turned to farming, with the object of avoiding military service. Where such a change of occupation took place after the authoritative announcement by the Government of the policy of compulsory military service, the plea of national interest is not, in the opinion of the Central Appeal Judge, to be listened to.

Where the change took place after the beginning of the war, and after the question of the adoption of compulsory service had become a subject of active political discussion, the applicant should be called upon to prove his bona fides in the clearest way, and his conduct and all the circumstances should be scrutinized with suspicion.

Appeal dismissed.

Exemption refused.

RE GLINZ (SERIAL NO. 530057 J.C.)

Temporary or casual work on a farm by a man who is not a farmer will not support a claim for exemption.

January 4, 1918.

This was an appeal by the applicant from His Honour Judge Mickel by his leave from his decision confirming the decision of the Local Tribunal that exemption should be refused.

The Central Appeal Judge: There is no ground for exemption in this case.

The applicant is not a farmer, but is an accountant, who did some work on a farm of his father in 1917. He has been neither habitually or effectively engaged in agricultural production, and there was no ground whatever for considering that his services in connection with his father's farm would be comparable in national value with his services as a soldier.

Appeal dismissed.

Exemption refused.

RE PALMER (SERIAL NO. 538825 J.C.)

Temporary exemption may be granted to enable the capacity of the farm on which the claimant is engaged to be tested.

January 4, 1918.

This was an appeal by the father of the man concerned by the leave of His Honour Judge Mickel from his decision confirming the decision of the Local Tribunal that exemption should be refused.

The father owned one-quarter section and rented three-quarters of a section, and had only 60 acres under cultivation. He had two sons—one the subject of this application, who worked with the father at home, and another son who worked a farm for his aunt, and had been exempted. The father was 66 years of age. His son did all the heavy work, and worked steadily on the farm.

The Provincial Appellate Tribunal considered that the cultivation was not sufficiently extensive to justify the retention of the son on the farm and his exemption from military service.

The Central Appeal Judge: I see no reason to differ from the opinion of His Honour Judge Mickel, that the results of the labour of the father and son do not give evidence of effective application of their energies in agri-

cultural production. It may well be, however, that with the facilities at the command of the family, the production, to which the subject of the application is contributory, can be augmented by increased or better-directed efforts; and exemption may, therefore, be granted until the 1st June, 1918, to enable the family to demonstrate whether or not the withdrawal of this boy from the farm will, relatively speaking, ultimately result in a substantial diminution of agricultural production.

The applicant will, before the 1st of April, 1918, report in writing as to his plans for the summer, with such particulars as may be required by the Central Appeal Judge or by the Registrar. Before the expiration of the exemption period he may apply for an extension of the period, when the actual preparations made for the work of the season 1918, can be considered and the period extended, if it be thought just, until the end of the season.

Appeal allowed.

Exemption until 1st June, 1918.

RE COOKE (SERIAL NO. 548250 JC.)

To justify the granting of exemption on conscientious grounds it is necessary that the "religious denomination" of which the subject of the application claims to be a member should have for its primary objects a common worship. Such a denomination must have conditions of membership, compliance or non-compliance with which can be ascertained by reference to some practical criterion.

January 4, 1918.

This was an appeal by the subject of the application by leave against the decision of a Tribunal refusing exemption to David Cooke, a member of an organization known as the "International Bible Students Association."

The Central Appeal Judge: The applicant claims exemption as a member of the "International Bible Students Association" on the ground that in the language of Section 11 (1) (f) "he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs."

There is an unlimited company known as the "International Bible Students Association" incorporated under the Companies Acts of 1908 and 1913 (United Kingdom). By the memorandum of association the objects of the company are stated as follows:—

(a) To promote Christian knowledge by the dissemination of Bible truths, orally and by the printed page, and by means of the distribution of Bibles and the printing and publication of Bible study helps, tracts, pamphlets, papers and other religious documents, and by the use of all other lawful means which may seem to the *Council of the Association* directly or indirectly conducive to the furtherance of the above objects of the Association.

(b) To purchase or otherwise acquire sketches, photographs, drawings, publications, manuscripts, notes, data and memoranda bearing upon the above objects of the Association and to print, publish, display and distribute the same.

(c) To enter into any arrangement with any Government or authority, supreme, municipal, local or otherwise, and to obtain from any such Government or authority all rights, concessions or privileges that may seem conducive to the above objects or any of them.

(d) To promote any association or associations, whether limited or not, for the purpose of its or their acquiring all or any of the property, rights and liabilities of the Association, or for any other purpose which may seem, directly or indirectly, calculated to further the objects of the Association.

(e) To purchase, take on lease or in exchange, hire or otherwise acquire, and to sell, surrender, lease, mortgage, charge, convert, turn to account, dispose of and deal with any estate or interest in any lands, buildings, easements, rights, privileges, mortgages, debentures, options, contracts, licenses or other rights, and any real or personal property of any kind necessary or convenient for the attainment of the objects of the Association mentioned in paragraph 3 (a) hereof, and to erect, construct, enlarge, alter, furnish, maintain and improve buildings of all kinds.

(f) To make donations to such persons and in such cases, and in either of cash or other assets, as may be thought directly or indirectly conducive to any of the objects of the Association, or otherwise expedient, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition, of for any public, general or other objects, and to grant pensions and allowances and to make payments towards insurance.

(g) To borrow or raise, or secure the payment of money in such manner as the Association shall think fit.

(h) To pay out of the funds of the Association all expenses of or incident to the formation and registration of the Association.

(i) To do all such other things as are incidental or conducive to the attainment of the above objects.

The Company as appears from the evidence, issues publications, in which certain views are advocated touching the interpretation of the Bible, and certain religious beliefs advanced and supported; and of the subscribers to these publications, who accept the doctrine so expounded, there are in various countries, including Canada, groups who meet for the study of the Bible and the discussion of questions of theology and ethics.

These groups are not associated by any bond other than their adherence to, and advocacy of, these views and beliefs, but are among themselves collectively known by the same designation as that given to the Company.

These writings, as far as I have examined them, leave some doubt whether according to the beliefs advocated by the writers of them, a member of the Association might conscientiously under the compulsion of legal necessity, engage in combatant military service. I do not, I must admit, find them entirely self-consistent.

It is not necessary, however, to form any opinion upon the exact nature of the doctrine, as touching the subject of non-resistance and kindred subjects advocated in these writings.

The evidence before me does not justify the conclusion that these groups or associations so called, either individually or collectively come within the description — “organized religious denomination existing and well recognized in Canada.” within the contemplation of the Military Service Act.

First: There is much room for doubt whether these associations so called have for the primary object a common worship, which is, I think, an essential characteristic of a "religious denomination" within the meaning of Section 11. The evidence is certainly consistent with the view that the primary objects of them in so far as they can be said to have a common object, are those expressed in the passage quoted above from the memorandum of association, which in themselves are certainly not sufficient to constitute even an organized body clearly proved to be pursuing them in common, a "religious denomination."

Second: The Statute plainly implies as a characteristic of religious denominations, falling within its scope, that there should be conditions of membership, compliance or non-compliance with which can be ascertained by reference to some practical criterion, and of such conditions there is, although I pressed for it on hearing, no evidence, and there are no indicia to serve as reliable guides for the Tribunals.

The appeal is dismissed.

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